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STATE RECORDS

Town of Edwards

DEC 23 2014

Local Law No. 12 of the year 2014

DEPARTMENT OF STATE

A local law repealing Local Law Number 1 for the year 1986, Local Law Number 1 for the year 1989, Local Law Number 1 for the year 1994, Local Law Number 1 for the year 2000, and Local Law Number 1 for the year 2002, and providing for new Land Use Regulations.

Be it enacted by the Town Board of the
(Name of Legislative Body)

Town of Edwards as follows:

Local Law Number 1 for the year 1986, Local Law Number 1 for the year 1989, Local Law Number 1 for the year 1994, Local Law Number 1 for the year 2000, and Local Law Number 1 for the year 2002 are hereby repealed, except that this repeal shall not affect the rights or responsibilities or prevent the execution, prosecution or punishment of any person for any act done or committed in violation of said law or section hereby repealed prior to the effective date of this Local Law; and providing for a new Land Use Regulations.

Town of Edwards Land Use Regulations

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Article I General Provisions

Section 1. Title and Legislative Authority

This Local Law shall be known as the "Town of Edwards Land Use Regulations" and is adopted pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law and Section 261 and 276 of the New York State Town Law.

Section 2. Purpose The purposes of this Local Law are to:

- A. Provide for planned growth and development of agricultural, residential, commercial, institutional and industrial uses of the land, consistent with economic and social needs of the community.
- B. Preserve the character of the community.
- C. Prevent unsanitary practices from creating a public health nuisance or threat and to promote the health, safety and general welfare of the community consistent with the objectives set forth.
- D. Control the development of subdivisions in order to minimize ongoing maintenance costs to the Town and to avoid conflict with adjoining uses.
- E. Regulate the density and development of certain land uses so as to provide for compatibility with adjoining land use and to protect the public safety and welfare.
- F. Allow to the extent possible the use of alternative energy sources for the benefit and self-sustainability of the residents of Edwards.

Section 3. Relationship of This Law to Other Laws and Regulations

This Local Law is complemented by the administration and enforcement of the New York State Uniform Fire Prevention and Building Code within the Town of Edwards. Applicants must comply with the provisions of both this Local Law and all applicable Local Laws. Application forms for building permits (and use permits) under

this Local Law will also contain information to allow for the Code Enforcement Officer to carry out his or her responsibilities under Local Law No. ____ of 2014 and to simplify procedures for applicants by reducing the number of forms required for submission.

Section 4. Separability

Should any section of, or provision of, this Local Law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such a decision shall not effect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

Section 5. Fees

A Fee Schedule is established by resolution of the Town Board and fee is due when completed application is submitted. An additional fee may be required for review by St. Lawrence County Planning Board if project is within 500 feet of certain features listed in 239-m, New York State General Municipal Law. Fee Schedule may be revised from time to time by resolution of the Town Board.

Section 6. Violations and Enforcements

- A. It shall be unlawful to erect, construct, enlarge, alter, improve, or change the use of any building or structure, or portion thereof, without having first obtained a permit.
- B. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any provision of this Local Law shall be guilty of an offense and, upon conviction thereof, be subject to a fine of not more than \$100.00 or imprisonment for a period of 5 days, or both. Each week a violation is continued shall be deemed a separate offense. If an action is required to enforce this local law before the Supreme Court of the State of New York, said Supreme Court Judge is fully authorized to impose a civil penalty of up to \$250.00 per week. Said civil penalty is payable to the Town of Edwards in all instances.
- C. Upon determination by the Code Enforcement Officer that a violation of this Local Law exists, written notice shall be sent to the owner of the property. The notice may be delivered by some other means, or may be attached to the premises of the owner. A copy of the notice shall be sent to the Town Board.
- D. Injunctive Relief- An action or proceeding may be instituted in the name of Town of Edwards, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any

provision of this local law, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate of Compliance, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Local Law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Local Law, an action or proceeding may be commenced in the name of the Town of Edwards, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Supervisor of the Town of Edwards.

Section 7. **Removals**

Any use commenced after the effective date of this Local Law must comply with its provisions. Such new buildings, structures or uses which do not conform to the provisions of this Local Law may be removed or halted by order of the Town Board. Such costs of removal may be added to the real property taxes attributable to said property if not paid within 60 days.

Section 8. **Non-Conforming Uses** Lots and structures which existed or were permitted prior to the effective date of this Local Law and which would be prohibited or restricted under the terms of these regulations, may be continued subject to the following provisions, unless otherwise provided for elsewhere in this Local Law. Uses not allowed to continue pursuant to this section must be removed or brought into compliance within one year of the effective date of this Local Law.

- A. **Enlargement**- Non-conforming buildings or uses shall not be enlarged or increased in their non-conformity.
- B. **Restoration following disaster**- Non-conforming uses or structures damaged by fire or other causes may be restored to no more than the previous degree of non-conformity. Restoration must be commenced within one year and completed within two years from the date of the disaster.
- C. **Discontinuance**- Whenever a non-conforming use has been discontinued for a period of 12 continuous months the use shall not thereafter be re-established and any further use shall comply with Article I, Section 7 and all regulations applicable to conforming uses.
- D. **Relocation**- Should any non-conforming building be moved for any reason, or for any distance, it shall comply with Article 1, Section 7 and all regulations applicable to conforming uses.

E. **Lots of Record**- Any lot of record at the effective date of this Local Law shall be considered as complying with this Local Law with respect to area, width and depth for conforming uses. No area variance shall be required for construction on a lot of record provided that such lot does not adjoin a lot held by the same owner. After the effective date of this Local Law no more than one structure shall be built for occupancy on any vacant, non-conforming lot. Vacant lots of record which are smaller than the minimum required size are deemed to be in conformance with this Local Law, however, any structure built after the date of this Law, must meet required setbacks.

Section 9- State Environmental Quality Review (SEQR)

- A. The State Environmental Quality Review Act requires that local governments examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.
- B. All "Type 1" actions (8 NYCRR Part 617) shall require the submission and review of a long Environmental Assessment form.
- C. The Board which is empowered to approve the action shall be lead agency.
- D. If in the opinion of the lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (EIS). Review, notice and action on the EIS shall be conducted according to Part 617, 8 NYCCR.

Section 10- Definitions

Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Interpretation of terms and definitions shall be made by the Board of Appeals.

Adult Establishments- Those uses deemed inappropriate for general public admission and where minors are excluded. Businesses that derive more than 10% of their income from the sale of, use of, or inclusion in other uses, of practices including, but not limited to: Head shops or purveyors of drug related items, shops selling pornographic materials, gambling establishments, tattoo and/or body piercing businesses, strip clubs, exotic dance revues, live shows or films displaying partial or total nudity, shows containing real or simulated sexual activity, or displays of extreme violence, whether live or filmed.

Accessory Structure or Use- A structure or use which is incidental to the principal structure or use, and which is located on the same premises. Accessory uses include private automobile garages and sheds, etc. Accessory uses include occupations conducted within a residence, an apartment over a store, a manager's office in an apartment house, for example.

Agricultural Building or Structure- Buildings or structures used for agriculture, not to include buildings or structures for temporary or permanent human habitation.

Agriculture- Raising livestock and/or crops or farm products.

Animal Hospital- A structure used for holding and/or treating sick or injured animals.

Apartment- A dwelling unit which is rented to a tenant or tenants.

Apartment House- A building containing four or more apartments.

Auto Repair Shop- A structure operated as a business for the repair and servicing of vehicles.

Bar- A business primarily for the serving of alcoholic beverages, with food also available.

Bed and Breakfast, Guest House, Tourist Home- A house, or portion thereof, where no more than three rooms are provided, for a fee, for short term lodging and provision of a meal or meals, by the owner of the home.

Building- A wholly or partially walled structure, with a roof, for the shelter of persons, animals or property.

Business- A for-profit use involving manufacturing or the conversion of raw materials into products for sale, or wholesale or retail sales of food and/or non-food products, or all of the above simultaneously, or the rendering of a service or services.

Child Day Care- A program or facility in which child care is provided for working parents on a regular basis, away from child's residence, for a period of less than 24 hours per day, by someone other than a parent, stepparent, guardian or relative. Several categories of care options are permitted by New York State Social Services Law 390(1).

- a. **Child Day Care Center-** A facility, not a home, providing care for more than three hours per day. 390(1)c.
- b. **Group Family Day Care-** provides care for more than three hours daily in a family home for 7 to 12 children 390(1)(d).

c. Family Day Care Home- provides care for 3 to 6 children, or more if school age children are at school part of day. 390 (1)(e).

d. School Age Child Care- Program for more than 6 school age children under the age of 13 years, or those incapable of self-care, before school, after school and school holidays.

Church- A building whose primary purpose is for religious gatherings of persons.

Club- A semi-public or private membership organization.

Dwelling Unit- One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one household.

Dwelling Unit, One Family- A building containing one dwelling unit.

Dwelling Unit, Two Family- A building containing two dwelling units.

Dwelling Unit, Multiple- A dwelling containing more than two dwelling units.

Educational Institution- A building in which classes or forms of training are held for the purpose of conveying knowledge and skills.

Essential Services- Service such as fire protection, police protection, highway maintenance, a health care facility, etc., which is provided by a government entity.

Family- A household constituting a single housekeeping unit occupied by one or more persons.

Fence- An artificially constructed barrier of any type of material erected to separate, enclose or screen areas.

Gas Station- A structure operated as a business from which petroleum products for vehicular use are sold.

Group Home- Unrelated persons living in a family type situation, with trained supervisors and caregivers.

Health Facility- A building in which health related services are provided, such as dental clinic, medical offices or clinic, health spa, gym, classrooms, exercise rooms, informational seminars, and similar uses, for the physical or mental well-being of adults and/or children, for profit, non-profit, or free.

Home Occupations- Sale of goods or services on a full-time, part-time or seasonal basis, from the home or premises of owners, or occupants, with no hired

employees. Examples- sale of maple products, garden produce, firewood, or home offices such as hair salon, CPA, tax preparer, consultant.

Hotel- A building, operated as a business, in which overnight accommodations are provided for a fee.

Hydro-power- Electrical power generated by the movement of water through turbines placed in a waterway, with or without modification of water-flow.

Industry- See Manufacturing

Junk Yard- An area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or three or more unregistered, inoperable motor vehicles or other types of junk.

Kennel- A structure or other use intended for the breeding or boarding of animals.

Lead Agency- The public agency or board authorized to classify actions as excluded, exempt, unlisted, Type I or Type II and to determine the environmental significance of an action pursuant to Article 8, Part 617 of the New York Code of Rules and Regulations 98 NYCRR, 617 SEQR.

Livestock- Agricultural animals raised for direct human consumption, or use, or for the consumptive use of their body parts or products, including eggs, milk, hair, hide and meat and specifically including hogs, sheep, cows, fowl, fur bearing animals, and the like. Horses, ponies and other animals usually considered as hobby animals or pets may also be considered as livestock. See also Agriculture.

Lot- A designated parcel, tract, or area of land as may be described as a unit on a deed, plat, map or tax roll listing.

Manufactured Housing- Factory manufactured housing bearing the insignia of approval issued by the State of New York, including all forms of such structures. Those units without Seal are not permitted.

Manufacturing- Mechanical or chemical transformation of materials into new products through assembly of components, and the manufacturing of products, or the blending of materials such as oils, resins or liquors.

Mobile Home- A structure intended for transport on a permanent chassis in one or more sections, designed for relocation with only minor preparation such as reattachment of wheels, lights and towing apparatus, and bearing the insignia for manufactured housing issued by the State of New York.

Modular Home- Manufactured housing intended to be transported to site and be permanently attached to a foundation.

Mobile Home Park- A site intended for the long-term parking of four or more mobile home dwellings, which may include services and facilities for residents.

Motel- See Hotel

Nuisance- An interference with the enjoyment and use of property including smoke, odors, waste materials, radiation, noise, vibration, heat, glare and visual blight.

Outdoor Wood Burners- Those units designed to provide heat and/or hot water for individuals or businesses by the slow combustion of wood products.

Parish House- An accessory structure to a church intended for use as a one-family dwelling for the staff of the church.

Parking Lot- A lot dedicated to the parking of licensed, operable vehicles.

Plat- A map representing a tract of land showing the boundaries and location of individual properties and streets.

Principal Use/Structure- The primary or predominant use of any lot, the structure within which the principal use is conducted.

Professional Office- An office where medical, dental, legal, consulting, financial, engineering, or similar services are provided for clients. A professional service is defined as one provided by a professional licensed under the laws of the State of New York.

Public Buildings and Grounds- Uses which are predominately public in nature, such as Post Offices, Community Centers, etc.

Public Utilities- Facilities which provide the following public services: electricity, communications, gas, water supply, sanitary sewage treatment and disposal.

Recycling Center, Redemption Center- A building or area where items are gathered, sorted for reuse or reclaiming of materials, such as glass bottles, metal cans, paper, etc.

Restaurant- A business where food is primarily served and where alcoholic beverages may also be served.

Salvage Operation- See Junk Yard

Setback- The distance between the road right-of-way line and the front line of the building or any projection thereof, excluding uncovered steps. It is not dependent on the edge of the pavement. (See Appendix 1)

Setback Line- The line that establishes the required minimum distance from the street right-of-way line or any other lot that establishes the areas within which the principal structure must be erected or placed.

Sewage- System for treatment and disposal of wastes from sanitary drains. Sewage treated and disposed in sewage systems shall not consist of industrial wastes or liquids containing hazardous chemicals.

Signs- Written or pictured notices alerting the public to location of services, goods, events available, or to act as directions or warnings.

Site- One or more adjacent lots sharing a common use.

Soil Percolation- Test of the rate of movement of water downward through a soil conducted in accordance with the NYS Department of Health "Waste Treatment Handbook, Individual Household Systems".

Solar Power Systems- Units or panels installed to convert sunlight into electrical power or water heating systems for individual use; or for sale to the power grid.

Structure- An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings, and excluding driveways.

Subdivision- The division of a lot into two or more lots within a period of three years.

Tavern- A business where alcoholic beverages are sold and where food may also be served.

Uniform Code- New York State Uniform Fire Prevention and Building Code (Title 9, Subtitle 5, Chapter 1, New York Codes, Rules and Regulations).

Use- The purpose or activity for which lands or buildings are designed, arranged or intended, or for which lands or buildings are occupied or maintained.

Waste Disposal Facility- Any public or private facility which receives, processes and/or disposes of solid, liquid or gaseous waste materials.

WECS- Wind Energy Conversion System; Large and Small

Small WECS are those units constructed for individuals or groups of individuals, to provide electricity for personal use, farm use or sale of excess power to the power grid.

Large WECS (Wind Farm)- Those systems of a commercial nature; providing power for the electric grid only.

Article II. Permits and Procedures

Section 1. Classes of Permits

The following classes of permits may be issued.

- A. Standard Building or Use Permit: A permit may be issued by the Code Enforcement Officer only after his or her determination that the provisions of the Local Law have been complied with.
- B. Special Permit: A building or use permit for specially permitted uses may be issued by the Code Enforcement Officer after review and approval by the Planning Board. Site Plan may be required.
- C. Mobile Home Park Permit: A building permit for a mobile home park may be issued by the Code Enforcement Officer after his or her determination that provisions of the Local Law have been complied with, following review by the Planning Board. Site Plan required.
- D. Approval of Subdivision Plats: Subdivision plats, both preliminary and final, shall be subject to the review and approval of the Planning Board, as per provisions set forth in Article X.
- E. Site Plan Permit: Site Plan approval permits are issued by the Code Enforcement Officer after review and approval by the Town Planning Board.
- F. Sign Permit: A Standard Use Permit may be issued by the Code Enforcement Officer for a permanent sign, following determination that such request complies with the regulations of this Local Law. Temporary signs do not require a permit, but must adhere to removal regulations.

Section 2. Procedures for Permit Applicants

- A. **Required Documents:** Every application for activities described in Article II, Section 1 above shall be made using forms approved and supplied by the Town Board and available at the Town Clerk's Office.
- B. **Amendments:** Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer prior to the commencement of such change of work. In the case of a use which is subject to site plan approval, all such amendments shall be filed prior to final action on the site plan by the Planning Board.

- C. **Display:** The building permit must be prominently displayed on the property or premises to which it pertains.
- D. **Expirations-** A building permit issued pursuant to this Local Law shall expire one year from the date of issuance. The permit may, on written request, be renewed for a one year period. Expiration periods for subdivision plat approvals are set forth in Article X, Section 1B.
- E. **Revocation of Permits:** Any permit or approval granted under this Local Law that is based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by, or on behalf of, an applicant, shall be void. The Town may revoke said permit or approval upon notification to the applicant of an intention to do so, after having provided the applicant an opportunity to respond with respect to same.

Article III. Land Use Districts

Section 1. **Establishment of Districts:** For the purpose of promoting the health, safety and general welfare of the Town of Edwards, the town hereby creates a Residential/Agricultural (R/A) District which shall encompass all land within the Town of Edwards, excepting the area designated "Hamlet". The Hamlet shall have a Commercial District © and a Residential District ®, and encompass the area formerly designated as "Village of Edwards".

Section 2. **Land Use District Map:** The Edwards Land Use District map shall designate the districts: Commercial, Residential, and Residential/Agricultural, and which, with all explanatory matter, is hereby made a part of these regulations. See Appendix 2.

Section 3. **District Boundaries:** The boundary of the Residential/Agricultural district shall be consistent with the Town of Edwards boundaries, and the Hamlet of Edwards boundaries.

Article IV. District Regulations R/A

Section 1. **Residential/Agricultural District (R/A) (Excluding Hamlet)**

A. **Purpose:** The area within this district has been generally identified as suitable for residential and agricultural uses but can accommodate a wide variety of uses if site characteristics are considered prior to the issuance of a permit.

B. **Permitted Uses:** The following uses shall be permitted following the issuance of a permit by the Code Enforcement Officer, subject to the requirements of the Article and conditions that are presented in this Land Use Law.

Accessory Structure or Use
Agriculture/Crops and Animals
Child Day Care- C
Church, Parish House
Hydro-power (small scale, landowner)
Mobile Home
Single-family Home

C. **Uses Requiring a Special Permit:** The following uses require a Special Permit, Public Hearing, and Site Plan.

Adult Establishments (not allowed in Hamlet)
Business, other than home occupation
Child Day Care (a) (b) (d)
Industry, Manufacturing
Kennels and Pet Hospitals
Multiple Family Homes
Outdoor Wood Burners (not allowed in Hamlet)
Recycling Business
Salvage Yard
WECS, Small or large
Solar Arrays
Solar Units- Freestanding

D. **Lot and Yard Specifications- Residential/Agricultural District:** Newly created lots in the R/A district require a one acre minimum, with 200 feet of road frontage. Existing lots require sufficient room to meet established setbacks.

Minimum		Min.	Bldg. Setback Dim. (Ft)		
Use	Lot size (acres)		Front	Side	Rear
Accessory Use or Structure					

(except a mobile home as an accessory use)	1	30	10	20
Agriculture/Crops	2	30	10	10
Church	1	30	10	20
Kennel	2	40	20	30
Mobile Home	1	30	10	20
Multiple Family Home	1	30	10	20
Salvage Yard	2	10	20	30
Single-family Dwelling	1	30	10	20

All other uses- Lot size and setbacks determined for adequacy by Town Planning Board pursuant to Article I, Section 2 and Section 9, and Article III of this Local Land Use Law.

Article V. District Regulations- Hamlet

Section 1: Commercial District ©

- A. **Purpose:** The area within this district has been identified as best suited for commercial and public uses and it is the intention of this Local Law to encourage these uses within areas where they are compatible with surrounding uses.
- B. **Permitted Uses:** The following uses shall be permitted following the issuance of a standard building permit by the Code Enforcement Officer:

Accessory Use or Structure
 Agriculture/Crops
 Apartment
 Auto Sales and/or Service
 Church, Parish House
 Day Care Facility- (c)
 Essential Service
 Gas Station or Auto Repair Shop
 Home Occupation
 Mobile Home
 One, Two, or Multiple Family Dwellings
 Pet Grooming
 Professional Office
 Public Building and Grounds
 Solar Power (Building Mounted)

C. Uses Requiring a Special Permit

Agriculture/Animals
Animal Hospital
Apartment House
Auto Sales and/or Service
Bar
Child Day Care (a) (b) (d)
Club
Group Home
Health Facility
Hotel or Motel
Junk Yard, Recycling, and Salvage Operation
Manufacturing
Parking Lot
Public and Private Utility
Restaurant
Solar Power Systems
Tavern
WECS, Small (Large WECS not permitted in Hamlet)
Wholesale or Retail store
Other business or uses not specified in this section

D. Lot and Yard Specification: There shall be no minimum lot sizes in the C District area served by the municipal Sewer and Water District, except for Agriculture/Animals, which shall require 5 acres minimum, and Mobile Home Park, 5 acres minimum. However, no building shall be located closer than the following distances from lot lines or the edge of the road or street right-of-way. Newly created lots must be one acre, and if not located in Sewer and Water District service area, must conform to water and sanitary disposal as set forth in Article VI, and VII. Minimum road frontage for all new lots is 200 feet.

E. Note: Setbacks apply to Residential and Commercial Districts within Hamlet area. Where a building has frontage on two streets, both streets require front setbacks.

Minimum Setbacks from Lot Lines

	FRONT	SIDE	REAR
Accessory Structure	30	10	20
Agricultural Building	30	10	30
Animal Hospital	20	20	30
Apartment (single)	20	10	20
Apartment House	20	30	20
Church, Parish House	20	15	20
Day Care Facility	20	15	20
Essential Service	20	20	30
Gas Station, Auto Repair	30	20	20
Group Home	20	20	30
Health Facility	30	20	30
Junk Yard, Recycler, Salvage	30	30	30
Industry, Manufacturing	(See Art. I, Sections 2, and 9, and Art. III)		
One or Two Family Dwelling	20	10	20
Mobile Home	20	10	20
Mobile Home Park	20	15	30
Multiple Family Dwelling	20	15	30
Parking Lot	20	10	20

Pet Grooming	20	10	20
Professional Office	20	20	30
Public Building	20	15	30
Public or Private Utility	NA	NA	NA
Restaurant, Tavern, Club,			
Hotel, Motel	20	30	30
Solar Power Units (Small)	(See Art. XI, Section 1-(S),3-(S), 4-(S)		
WECS	(See Art. X, Section 8)		
Wholesale or Retail Store	20	20	30

Section 2. Residential District- R- Hamlet

- A. **Purpose:** The area within this district has been identified as best suited for single and multi-family dwellings, religious and educational use and customary accessory uses.

- B. **The Following Uses Shall Be Permitted By the Issuance of a Standard Permit by the Code Enforcement Officer:**
 - Accessory Use and Structure
 - Apartment
 - Church, Parish House
 - Day Care Home- C
 - Mobile Home
 - One Family, Two Family Dwellings
 - Public Building
 - Solar Power System (Building Mounted)

- C. **Uses Requiring a Special Permit and Site Plan**
 - Agriculture/Animals
 - Apartment House
 - Bed and Breakfast, Guest House, Tourist Home
 - Day Care Center
 - Educational Institution
 - Health Facility
 - Home Occupations
 - Pet Grooming
 - Public and Private Utility

Mobile Home Park
Multiple Family Dwellings
Solar Power System (Freestanding)
Small WECS (Large WECS not allowed in hamlet)

D. Lot and Yard Specifications and Setbacks- See chart page 20, Also Appendix 1

Article VI

Standards

Section 1- Standards Applicable to all Special Uses

Special permits:

- A. **General Provisions:** Special permits are issued by the Code Enforcement Officer after review and approval by the Planning Board. Each specific use shall be considered as an individual case.
- B. **Referral:** Where any application for a Special Permit involves lands within 500 feet of an adjoining municipality, State or County property, or road right-of-way, or a farm operation in an Agricultural District, or a County or State owned public facility such as a park or recreational area application shall be referred to the St. Lawrence County Planning Board and acted upon in accord with the requirements of the applicable provision of Section 239m of the New York State General Municipal Law.
- C. **Standards for Review:** The Planning Board shall consider the following when reviewing applications for special permits:
 - 1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district; and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

2. Lot size, site design and special conditions shall insure that operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, odors, glare, vibrations, or flashing lights, than would be the operations of any permitted use. Screening shall be required where deemed appropriate by the Planning Board.
3. Water supply, stormwater drainage, and sewage disposal shall comply with Article VII, Sections 2,3

D. Specific Standards For Certain Uses

- a. Animal Hospital, Kennel: All structures shall be fenced or screened so as to control noise where the use is adjacent to existing residential uses.
- b. Apartment: In all districts an apartment shall have the following minimum features: One bathroom per dwelling unit, separate access from any portion of the building which is used for commercial activity.
- c. Day Care Centers and Homes: Day care centers and homes may be required by the Planning Board to fence or screen outside recreational areas to prevent nuisance to adjoining properties and for the safety of children.
- d. Junk Yard or Salvage Operation: These uses must meet all applicable current standards of the State including, but not limited to: No building or operations shall be located less than 30 feet from any road right-of-way or side lot boundary, or 200 feet from any body of water. All operations shall be screened and fenced from public view and from adjacent properties. Hours of operation shall be limited to 7:00 AM- 7:00 PM. Operations shall not present a nuisance to adjoining properties.
- e. Public or Private Utility: Such facilities shall not be located on a roadway or predominately residential use unless no other site is available, and shall be so located as to necessitate minimal travel of service vehicles over such roadways.
- f. Restaurant, Tavern, Club: such uses shall be adequately fenced or screened from any adjacent residential property and lighting shall be directed away from any adjacent uses.
- g. Manufacturing: 1. All structures shall be located at least 100 feet from any adjacent residential boundary. The Planning Board may require screening from adjacent properties, as needed.

Article VII

MISCELLANEOUS PROVISIONS FOR ALL USES AND DISTRICTS

A. Disposal of Junk, Waste or Refuse

Waste Disposal: Junk, waste and refuse shall only be disposed of at a site approved by the Town of Edwards. No on-site disposal of said materials is permitted.

Temporary storage of reusable or recyclable materials and compost piles for gardens are exempt from these requirements subject to any specific screening requirements within this Local Law.

B. Individual Sewage Disposal Systems

a. Sewage disposal: Construction, alterations, repair or extension of any facility or part of a facility intended or used for disposal of residential sewage must comply with the procedures and guidelines set forth in the New York State Sanitary Code Administrative Rules and Regulations, Appendix 75-A. Non-residential sewage systems must comply with the New York State Department of Health "Standards for Waste Treatment Works-Institutional and Commercial Sewerage Facilities."

The following additional regulations apply:

1. It shall be unlawful for any persons to use or maintain any individual sewage disposal system that is not in good operational order, is a source of pollution to any of the surface waters of the State, permits the seepage of sewage to ground water, or interferes with the enjoyment or use of neighboring properties.
2. It shall be unlawful for any person to abandon the use of a septic tank or seepage pit, unless at the time of such abandonment, the septic tank is filled with clean, granular soil or inert, free-flowing, dense material.
3. It shall be unlawful for any person to use an individual sewage system for disposal of waste chemicals, petroleum derivatives or hazardous or toxic materials generally.

C. Individual Water Supply:

Water supply must conform to the guidelines set forth in the New York State Department of Health publication Rural Water Supply. In no case shall a source of drinking water be so constructed so as to allow contaminated surface or subsurface water to enter.

D. Protection of Scenic Areas

- a. **Setbacks from River:** No seasonal or year-around dwelling shall be located closer than 150 feet from the seasonal high water mark.

E. Parking Standards for all Uses and All Districts:

Applicability: Any building or use requiring a permit under these regulations shall comply with the parking standards specified below, unless a particular standard is waived by the Planning Board or Board of Appeals under the review procedures set forth in this Local Law. Buildings and uses existing prior to the adoption of these regulations are exempt from these standards. New building and use regulations are as follows: Off street parking spaces are required for all new uses.

1. *Single or two-family dwellings:* 2 spaces per dwelling unit.
2. *Multiple -family dwelling-* three parking spaces for every two dwelling units.
3. *Apartment-* one space per dwelling unit.
4. *Apartment House-* three parking spaces for every two dwelling units.
5. *Mobile Home-* two parking spaces for each dwelling unit.
6. *Mobile Home Park-* two parking spaces for each mobile home lot in the mobile home park.
7. *Manufacturing-* one parking space for each employee.
8. *Hotel, Motel-* a minimum of 1:25 parking spaces for every guest room.
9. *Restaurant, Tavern, Club-* one parking space for the equivalent of every full time employee, plus one space for every four seats.
10. *Professional Office, Kennel, Animal Hospital, Gas Station or Wholesale or Retail Store-* one parking space for every vehicle used directly in the business, plus one space for every 250 square feet of business area.
11. *Junk Yard, Salvage Operation-* one parking space for every vehicle used directly in the business, plus one space for the equivalent of every full-time employee plus one space for every 1,000 square feet of business area.
12. *Places of Public Assembly-* one parking space for every five seats, or one parking space for every 100 feet of floor area, whichever requires the greater number of parking spaces.
13. *Customary Home Occupation-* In addition to the parking requirements for one-family, two-family or multiple -family dwellings, there shall be one parking space for every 250 square feet of business space.

14. *Nursing Home, Health Facility*- one parking space for each staff member, one parking space for visitors per every 5 patients.
15. *Professional Office*- One parking space for every full time employee, plus one for every 400 square feet.

F. Outdoor Wood Burners

Outdoor wood burners are permitted within the R/A District provided the following criteria are met: Burners must be placed at a minimum of 500 feet from the nearest adjacent residence. Burners must comply with the New York State Regulations in effect at the time of installation, particularly NYSDEC regulation 6NYCRR, Part 247. Units may require a taller smokestack than standard, to prevent smoke from affecting neighboring properties.

G. Sign Regulations- All Districts

Signage in existence at the time this Local Law is enacted is considered to be in compliance with this code. Replacement signs, or signs for newly created uses or businesses shall adhere to the following regulations:

1. Billboard advertising of a general nature is not permitted.
2. Freestanding signage shall not exceed 10 feet in height.
3. Lighted signage must use downcast and dark sky compliant lighting.
4. Total area of signage, either freestanding or attached to a building, may not exceed 60 square feet.
5. Signs of a temporary nature, such as those typically used to announce yard sales, political signs, single events of any nature, must be removed within 2 weeks of the conclusion of the event.
6. Signage with flashing lights or changing messages, must be placed so as to avoid distraction to drivers.
7. Signs of a permanent nature must be kept in good repair.

Article VIII

Mobile Homes and Mobile Home Parks

Mobile Homes: Mobile homes and mobile home parks are an allowed use in all districts. The following standards shall be met:

Special Requirements for Mobile Home:

1. Each mobile home shall be occupied only as a single family residence.
2. The bottom portion of the mobile home shall be enclosed with a metal, wood or other suitable "skirt" properly ventilated, within 60 days after location.
3. Tie-downs are required on all units.
4. Fuel tanks, where used, shall be placed at a distance at least 5 feet from any exit and shall have a safety shut-off at the tank.
5. Prior to installation a mobile home must bear a certifying seal that the unit meet standards in effect at the time of manufacture. Installation of units not bearing such a seal is prohibited.

Special Requirements for Mobile Home Parks:

Mobile Home Park: Mobile Home Parks located in all districts are subject to the specific requirements of this subsection. A mobile home park shall have a minimum lot size of 5 acres. Within the mobile home park, minimum site area for individual mobile home shall be 7,500 square feet, and within the individual site, yard requirements shall be as follows, as measured from the perimeter of the mobile home:

Front yard- 20 feet,
Side yard- 15 feet,
Rear yard- 15 feet.

a. **Sanitary Facilities within Mobile Home Park:** An adequate water supply and sewage disposal system shall be provided for all mobile home lots within the park, whether provided by municipal system or Park Owner, shall be approved by the New York State Department of Health and the New York State Department of Environmental Conservation, as required by State Law.

b. **Fuel tanks**, where used within a mobile home park, shall be placed at a distance of at least 5 feet from any exits and have a safety shut-off at the tank. Underground fuel tanks are not allowed.

c. **Utility Installations** within a mobile home park- All wiring, fixtures and appurtenance shall be installed and maintained in accordance with the specifications and regulations of the New York Board of Fire Underwriters and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.

d. **Roadways:** No individual mobile home, within a mobile home park, shall have direct access to an existing street. Internal roadways within a mobile home park

shall have a minimum right-of-way of 50 feet. There shall be no dead end streets in any park. A cul-de-sac turn around shall be provided if needed. Roadways within the park must be hard surfaced and constructed so as to minimize heaving from frost. Roadways must be drained so as to avoid standing water.

e. **Recreation Area:** Open space of at least 10% of the land area suitable for recreation and play purposes shall be designated on the site layout and shall be an integral part of any proposed mobile home park of 10 or more units.

e. **Improvements:** The bottom portion of the mobile home shall be enclosed with a metal, wood or other suitable "skirt", properly ventilated, within sixty (60) days after location in the mobile home park. Notification of such requirement shall be the responsibility of the mobile home park operator, for owner-occupied units. The mobile home must be either permanently attached to a masonry foundation extending to below the frost line or must be mounted on a concrete pad at least 4" inches in thickness poured over a drained sub-base of gravel or crushed stone. Tie-downs are required for all units.

f. **Sidewalks, lighting and landscaping** shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home park as determined by the Planning Board.

g. **Each mobile home** shall be occupied only as a single family residence.

h. **Prior to installation** in a mobile home park, mobile homes must bear a certifying seal that the unit meets standards in effect at the time of manufacture. Installation of units not bearing the seal is prohibited.

Article IX Site Plan Application, Standards and Review

Section 1. Preliminary Application Requirements

Application: An application for Preliminary Site Plan Approval shall be submitted in writing to the Code Enforcement Officer, who shall forward it within 15 days to the Planning Board after ensuring that it contains the necessary information for the Board's review. The application shall be accompanied by information drawn from the list in Section 2, below. The application for Site Plan approval will be on a form adopted by the Board. Any person uncertain as to whether or not this Local Law applies to a given land use activity may apply in writing to the Planning Board for a written determination.

Section 2.

Required Documents: The following shall be required, unless specifically waived by the Planning Board or otherwise indicated and shall constitute application for a site plan review:

1. Application form (as approved by the Board and available from the Code Enforcement Officer and Town Clerk).

2. Location map with scale, north arrow and date, showing boundaries and dimensions of the parcel of property involved. Identification of adjacent properties including ownership and roads and any known easements or right-of-ways.
3. Map showing existing features of the site including structures, roads, bodies of water, flood-prone areas, land uses, water and sewer line, paved areas, wells and on-site sewage disposal facilities.
4. On the same or separate map as No.3 above, indicate the location, dimensions and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.
4. Sketch of any proposed building or structure including exterior dimensions and elevations of front, side and rear.
5. Name and address of applicant and any professional advisors.
6. Copy of the deed to the property if requested by the Board.
7. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.
8. One-time application fee of \$50.00 per parcel.

Planning Board Review and Decision

Section 3:

1. **Procedure:** Within 62 days of receipt of a complete preliminary application as defined in Article VII, Section 3 of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing approve, approve modifications, or disapprove the preliminary application. In the event that the site plan boundaries are within the five hundred (500) foot threshold referenced in Section 239-m of New York State General Municipal Law, the Town Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law. If a preliminary application is approved, the applicant and the Code Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications. If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article VII, Section 4 of this Local Law.

Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code

Enforcement Officer, and such decision shall be signed by the Chairperson of the Board.

Section 4. Public Hearings

A minimum of one Public Hearing shall be advertised in accordance with Article XI, Section 6.

Section 5. Time Limitations:

The time periods within which Planning Board actions are required by Article IX, Section 3 of this Local Law are the maximum times allowable. The Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Board does not complete their review within the times specified in Article IX, Section 3 of this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent to the applicant and Board.

Section 6. Justification and Notice

1. The Planning Board shall apply all the review standards described in Article IX of this Local Law in reviewing site plans.
2. Decisions of the Board shall apply all of the review standards described in Article IX, Sections 8 and 9 of this Local Law in reviewing site plans.
3. Decisions of the Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
4. Approval of the Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County and State agencies are obtained and any required performance bond is filed with the Town Clerk.

Section 7. Final Application

1. Submission of Final Site Plan: After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Board for approval.

If more than 6 months has elapsed since the date of the Planning Board's action on the preliminary site plan and if the Board finds that conditions may have changed significantly in the interim, the Board may require re-submission of the preliminary site plan for further review and possible revision prior to accepting the final site plan for review.

2. **Final Application Requirements:**

The following additional information shall accompany an application for final site plan approval:

- a. Record of application for and approval status of all necessary permits from Federal, State and County agencies.
- b. Detailed sizing, location and materials specifications for all modifications specified in the initial conditional approval by the Board.
- c. An estimated project construction schedule.

Section 8. Site Plan Review Standards

a. **General Standards:** The proposed land use activity should not be in conflict with the Town's intent as expressed in Article I, Section 2 of this Local Law, and community goals and objectives as expressed in the Town Plan or in future community planning documents.

b. **Specific Standards:** The Planning Board's review of the site plan shall at a minimum include and shall evaluate each of the following criteria:

1. Compatibility of development with the natural features of the site and with surrounding land uses.
2. Measures to prevent damage from floods.
3. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities.
4. Buffers to protect neighboring properties against noise, glare or other nuisances.
5. Vehicular traffic access and circulation, including intersections, road widths, pavement surface dividers and other traffic controls.
6. Parking provisions.
7. Exterior lighting, (downcast and dark-sky compliant.)

8. Fire protection provisions.
9. Erosion control methods during and after construction.
10. Stormwater and drainage facilities.
11. Water supply.
12. Sewage disposal facilities.
13. Preservation of scenic vistas.
14. Bulk storage of petroleum products.

Section 9. **Explanation of Standards**

A. Specific Standards: The specific standards listed in Section 2 above are further described as follows:

1. Compatibility of development with natural features of the site and with surrounding land uses: The proposed use should not be located in such a manner on the site so as to:
 - a. Create a traffic hazard by limiting sight distance.
 - b. Be located in a poorly-drained area.
 - c. Be located on soils which, according to USDA Soil Conservation Service criteria are unsuitable for the particular use.
 - d. Substantially obstruct an existing view of a river, stream, lake or historic structure.
 - e. Disturb existing bodies of water which contribute to the natural beauty of the site.
 - f. Be located on slopes too steep to accommodate roads, walkways, riding trails or bike paths, as appropriate.

On a corner lot, no fence, wall, hedge, sign or other structure or planting more than 40 inches in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection. All buildings shall be located not less than 30' from both road edges.
2. Measures to prevent damage from floods: Uses should, insofar as possible, be located in areas outside of designated flood hazard areas. Uses should not be situated in such a manner that they would endanger life or property if carried away by a flood.
3. Landscaping arrangement and the retention of existing vegetation for aesthetic qualities: Existing stone walls, mature trees and roads should be retained insofar as it is possible and to the extent that their retention will enhance the visual and aesthetic appeal of the site.

4. Buffers to protect neighboring properties against noise, glare or other nuisances: If a proposed use is likely to generate noise, odor, vibration or other emissions, the feasibility of using the following should be considered:
 - a. Berms
 - b. Fences
 - c. Limiting hours of operation
 - d. Vegetation for screening
 - e. Mufflers.
- All buildings shall be located no closer than 15 feet from any boundary, excluding pavement or road boundaries. No dwelling unit or multiple unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple unit structure.
- Signs shall not be designed so as to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road, and all lighting shall be downcast and "dark-sky compliant".
5. Vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and other traffic controls: Users generating traffic should be reviewed for the following possible impacts:
 - a. Poor access off State, County or Town road.
 - b. Parking arrangements poorly designed so as to force vehicles to back into public roadway or block entrances or exits.
 - c. Unclear or confusing traffic control signs.
 - d. Traffic flow which creates hazards to pedestrians.
6. Parking Provisions: Adequate off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be designed that vehicles will be traveling forward when exiting onto the road. Parking requirements for certain uses and structures are set forth in Article V, Section E of this Local Law.
7. Exterior Lighting: Exterior lighting shall neither be too poor nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be allowed to be directed at residences adjacent to the site so as to create a nuisance, and should be downcast and dark-sky compliant.
8. Fire protection provisions: The New York State Uniform Fire Prevention and Building Code regulates fire protection. The Planning Board shall consult

with the Code Enforcement Officer to determine whether the Code has been complied with.

9. Erosion control methods during and after construction: Existing vegetation should be retained insofar as possible. Hay bales, netting, retaining structures, sediment ponds and timely seeding of ground cover should be considered depending on the likelihood of erosion.
10. Stormwater and drainage facilities: Provisions for control of stormwater and drainage should be consistent with Article VIII, Section 2 (E) of this Local Law.
11. Water Supply: Water supply must be clearly identified in the application. Water for public or semi-public uses should be from a drilled well, properly grouted. Water for primarily private uses may come from a drilled well, dug or driven well, or spring house. See Article V, C.
12. Sewage disposal facilities: Article V, B contains specific requirements for sewage disposal facilities.
13. Preservation of scenic vistas: The specific considerations pertaining to this item are found in Article V, D.
14. Bulk storage of petroleum: shall conform to all rules and regulations as set forth by the New York State Department of Environmental Conservation.

Article X Subdivision Regulations

Section 1. APPLICATION REQUIREMENTS

A. Preliminary Plat: Whenever any subdivision of land is proposed, the subdivider or his designated agent shall file a preliminary plat with the Code Enforcement Officer, who shall immediately ensure that it contains the required information and who shall then forward it to the Planning Board for review and action.

1. The preliminary plat shall be titled "Preliminary Plat" and shall contain the following information:
 - a. Name of subdivision, scale, date, north arrow and location within the town.

- b. Topographic data on the tract and existing drainage ways, water bodies, and federal and state wetlands.
 - c. Tract boundaries, tract area and street layout.
 - d. Name and right-of-way width of each street or other right-of-way. Street names should not duplicate existing street names within the town.
 - e. Location of all utilities on or adjacent to the tract.
 - f. Location, dimensions, owners of record and purpose of any easements.
 - g. Names of all property owners within 500 feet of the boundaries of the tract to be subdivided.
 - h. Number to identify each lot and letter to identify each block.
 - i. Location and purpose for which sites other than residential lots are dedicated or reserved.
 - j. Minimum front, side yard and rear setback lines on all lots and other sites.
 - k. Summarized site data including number of residential lots, typical lot size, lineal feet of streets, area in parks, etc.
2. Three (3) copies of the preliminary plat and any supplementary material shall be submitted to the Code Enforcement Officer.

B. Final Plat: Upon receiving approval or conditional approval for a preliminary plat, a final plat shall be filed with the Code Enforcement Officer, who shall forward it to the Planning Board for review and action. The subdivider shall submit the final plat within 6 months after approval with or without modification of a Preliminary Subdivision Plat or approval shall be null and void unless an extension of time is applied for and granted by the Board. The final plat shall conform substantially to the preliminary plat as conditionally approved and shall indicate any conditions or modifications which have been imposed by the Planning Board. Three (3) copies shall be submitted.

1. Information contained in the final plat shall consist of the following minimum items:
 - a. All information required by Article X, Section 1 (A) for a preliminary plat except the title shall be "Final Plat".
 - b. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions bearing radii, areas and central angles of all curves and location and description of all monuments.
 - c. Topographic data showing a contour interval of 2 feet related to USGS or other permanent benchmark where natural contours are to be changed; otherwise at 5-foot intervals.
 - d. Typical cross-sections of streets, including pavement, shoulders, ditches and walks and cross-sections of drainage easements.

- e. Profiles of street centerlines showing vertical curve data, slope of tangents and elevations of street intersections and other critical points.
- f. Profiles of waste distribution lines, storm and sanitary sewers, if any, showing pipe diameter and distance between individual lines, manholes, and catch basins.
- g. Preliminary drawings for buildings to be constructed, if any, including floor plans, exterior elevations and sections.
- h. Landscaping, lighting and all site improvements, including final grading plans where natural contours are changed beyond the road and building area.

2. Accompanying data to be submitted with the final plat shall include:

- a. Deed showing owner of the tract to be subdivided.
- b. Authorization of the owner to apply for final plat approval if the applicant is not the owner of the property in question.
- c. Documentation showing that the proposed subdivision has been approved by the New York State Department of Health and the New York State Department of Environmental Conservation, if appropriate.
- d. A one-time application fee shall be required and shall be set forth by the Town Board of Edwards. A fee is also required for review by the St. Lawrence County Planning Board.
- e. Offers of cession which have been approved as satisfactory by the Town Attorney dedicating streets, easements, open space or other facilities. (Note: Approval of the final plat shall not constitute acceptance by the Town Board of dedication of such facilities without formal acceptance by the Town Board.)

3. The final plat shall be filed a minimum of 10 days prior to the regularly-scheduled Planning Board meeting.

4. The signature of the Code Enforcement Officer constituting final approval by the Planning Board of a plat, or the approval by such Board, the development of a partially-developed plat on file with the County Clerk shall expire within 62 days from the date of such approval unless within such 62 day period such plat or section thereof is duly filed by the owner with the County Clerk. If the Board has failed to act on the final plat and the Code Enforcement Officer has issued a certificate to the owner to that effect, that certificate will become null and void if the owner has not filed the plat or section thereof with the County Clerk within 62 days from the date the certificate was issued. In the event the owner shall file only a section of such approved plat and the approval of the remaining sections shall expire unless said sections are filed with the County Clerk within 2 years after the filing of the first section.

Section 2. Planning Board Review and Decision

A. Preliminary Plat: Upon receipt of a preliminary plat and accompanying information from the Code Enforcement Officer, and if the Lead Agency determines that the preparation of an Environmental Impact Statement on the preliminary plat is not required, the Planning Board shall within 62 days hold a public hearing, which the hearing shall be advertised at least once in a newspaper of general circulation in the Town, at least 5 days before such hearing. Within 62 days after the date of such hearing, the Planning Board shall approve, approve with modifications, or disapprove such preliminary plat in accordance with the criteria set forth in Article X of this Local Law, and in accordance with the Town Land Use Plan and other relevant planning documents produced by the Planning Board. When so approving a preliminary plat, the Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within 6 months of the approval of the preliminary plat the subdivider must submit the plat in final form or preliminary approval by the Board is revoked. If the Board fails to take action within the time constraints set forth in this subsection, such plat shall be deemed granted preliminary approval. The certificate of the Code Enforcement Officer as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

B. Final Plat: Within 62 days of the submission of a plat in final form for approval by the Planning Board, an advertisement for a public hearing shall appear at least once in a newspaper of general circulation in the Town, at least 5 days before such hearing, provided however, that when the Board deems the final plat to be in substantial agreement with a preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Board may waive the requirement for such public hearing. The Board shall by resolution conditionally approve with or without modifications, disapprove or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Code Enforcement Officer if no such hearing is held, or in the event such hearing is held, within 62 days after the date of such hearing. Notwithstanding the foregoing provisions of this subdivision, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Board. In the event the Board fails to take action on a final plat within the time prescribed, the plat shall be deemed approved and a certificate of the Code Enforcement Officer to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsements or other evidence of approval herein required. This section shall be cited in the certificate. Upon resolution of conditional approval of such final plat the Code Enforcement Officer shall sign the plat subject to completion of such requirement as may be stated in the resolution.

The Planning Board may require the posting of a bond or other form of surety to ensure the satisfactory completion or required improvements in accordance with Article 7, Section 728 of Town Law. Within 5 days of such resolution the plat shall be certified by the Code Enforcement Officer as conditionally approved and a copy filed in his/her office and a certified copy mailed to the owner including a certified statement of such requirements which when completed will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Board. Conditional approval of a final plat shall expire within 180 days after the date of resolution granting conditional approval unless such requirements have been certified as completed. Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such extension is warranted by the particular circumstances. Such extensions may not exceed two additional periods of 90 days each. Prior to granting conditional or final approval of a plat in final form the Board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirement as it deems necessary to insure orderly development of the plat be completed before such sections may be signed by the fully authorized officer of the Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

Section 3. Subdivision Review Standards

General Standards

- A. All standards set forth herein shall apply to the extent that they are applicable as determined by the Planning Board and are required minimum standards. Only where exceptional conditions warrant, which conditions shall be fully documented, shall the Board require such additional measures as are reasonable and appropriate under the circumstances to accomplish the purpose of these regulations.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other natural hazard and shall be in keeping with the objectives of the Town Land Use Plan.

Specific Standards

- A. **Block Design:** The lengths, widths and shape of blocks shall be determined with regard to:

1. The type of development proposed.
2. Need for convenient access, circulation, control and safety of vehicular traffic, with particular attention to limitation of the number and location of points of ingress and egress, and provision for pedestrian safety.
3. Limitations and opportunities of topographic and other site characteristics.

Where the subdivision is laid out in conventional block form, block lengths should generally not exceed 1,500 feet, nor be less than 750 feet. Block width should generally be two lots deep.

Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and service area.

B. Lot Arrangements

1. Each lot shall have such access to a public roadway as is determined appropriate by the Planning Board based on the size, locations and nature of the subdivision. In particular, in any subdivision of more than 4 lots, each lot shall have the minimum required lot width on an approved roadway or shoreline, other than in an approved cluster arrangement, of 200 feet.
2. Double frontage lots with access to 2 roads shall not be approved except where no other arrangement is possible, and then only where the minimum lot depth is 200 feet.
3. Side lot lines should be substantially at right angles to straight road lines or radial to curved road lines.
4. Driveway access and grades should conform in general to the terrain, but shall not exceed a 15% grade over any 50 foot length, and shall not exceed 3% within 25 feet of the improved surface area of the roadway, as measured along the center line of the driveway.

C. Easements

1. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of 15 feet shall be required. Whenever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded, where required.
2. A pedestrian easement, not less than 15 feet wide, in addition to any road, shall be provided where required by the Board to provide safe circulation, for access to schools, recreation areas, and other community facilities.

3. Where a subdivision is traversed by a water source, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose, as determined by the Board.
4. Where a subdivision is so situated as to involve a noteworthy scenic view or vista, either for the subdivision, along a travel corridor, or for established residences, a scenic easement of appropriate configuration may be required by the Board.

D. Roadways: All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the subdivider unless otherwise indicated and shall be in accord with the following criteria:

1. The arrangement, character, extent, width, grade and location of all roadways shall conform to the Town Plan as such existing at the time, and shall be considered in their relation to existing and planned roads, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such roadways. Road grades shall conform as closely as possible to the natural topography, and all roads shall be arranged so as to allow for a maximum number of the proposed number of building sites to be situated at or above the finished grade level of the roadway.
2. The arrangement of roadways in a subdivision shall provide for the continuation, if appropriate, of residential roadways in the surrounding areas and be such as to compose a convenient system for the subdivision and connection to the existing highway system.
3. Roadway layout shall consider the installation of utility distribution and service lines and shall be situated so as to best accommodate these installations in an acceptable manner.
4. Road layout shall minimize stream crossings, avoid traversing slopes in excess of 25%, and avoid soils with a susceptibility to erosion or slippage.
5. Local roadways shall be laid out that their use by through traffic will be discouraged.
6. The arrangement of roadways in any subdivision shall consider provision for continuation of collector or key local roads to adjoining property which has the potential to be similarly subdivided and to existing road system.
7. Clearing and grading for road and utility installation shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.

8. The construction of roads and the installation of utilities shall be planned sequentially, so that construction operations do not interfere with or destroy completed work.
9. Every roadway shown on a plat is hereafter filed or recorded in the office of the County Clerk and shall be deemed a private road until such time as it has been formally offered for cession to the Town and formally accepted as a public road by resolution of the Town Board, or alternately, until it has been condemned by the Town for use as a public roadway.
10. Roadway jogs with center line offsets of less than 150 feet shall not be permitted, and any subdivision road intersecting an existing arterial or collector road shall be no closer to another intersecting roadway than the stopping sight distance as determined by the configuration of the roadway at that point, and the legal speed limit.
11. All roadway intersections shall be rounded by curves with a minimum radius of 25 feet as measured from the edge of the improved travel surface. Within the triangular area formed by connecting two points 50 feet from the intersecting road right-of-way, visibility shall not be restricted by the natural land form, nor by the location of any structure or planting.
12. The length of a tangent between reverse curve on arterial and collector roadways shall be a minimum of 100 feet.
13. Roadways shall be laid out so as to intersect as nearly as possible at right angles. No roadway shall intersect any other roadway at less than 75 degrees and all roadways shall join each other so that for a distance of at least 100 feet the roadway is approximately at right angles to the roadway it joins.
14. Roadway vertical gradients shall be not less than four-tenths of 1%, nor more than 12% over any 100 foot distance and shall not exceed 3% within 50 feet of any intersection.
15. Dead-end roadways shall not be permitted, except as provided herein:
 - a. A closed turn-around or cul-de-sac may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having outside roadway diameter of at least 100 feet and a right-of-way diameter of at least 150 feet.
 - b. No such dead-end roadway or segment thereof shall provide the sole means of access to more than 25 dwelling units.
 - c. Reservation of an easement of appropriate width shall be provided for pedestrian or utility connection to adjoining property or the existing roadway system, where desirable.

16. Proper roadway drainage facilities shall be installed where required. Reinforced concrete pipe or corrugated metal pipe shall be used throughout for all culverts or subsurface drainage systems. Drainage shall be accommodated by one or a combination of the following:

- a. A roadside ditch a minimum of 18 inches below the finished centerline.
- b. A concrete or asphalt gutter, or
- c. A concrete or asphalt curb with storm sewer.

17. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a 5 year, 24 hour rainfall. Drainage culverts shall be of adequate size and so located as to maintain preconstruction surface drainage patterns, provided such patterns were acceptable prior to construction.

18. Catch basins, manholes, seepage drains, reinforced concrete pipe or other drainage appurtenances and all under drains shall be installed or constructed in accordance with the direction and requirements of the Planning Board, shall vary in size as conditions may require and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such under drains shall connect with piping or ditches leading to a live stream or natural drainage way as required by the Board.

19. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from the area as determined by the 50 Year Flood Plan.

- a. A ten (10) year, 24 hour rainfall if the contributing drainage area is one (1) square mile or less;
- b. A twenty-five (25) year, 24 hour rainfall if the contributing drainage area is between one (1) and four (4) square miles.
- c. A one hundred (100) year, 24 hour rainfall if the contributing drainage area is more than four (4) square miles.

20. Fill slopes shall not be steeper than 2 horizontal on 1 vertical (2:1) and cut slopes shall not be steeper than 4 horizontal on 1 vertical (4:1).

21. Rights -of-way and pavement or improved surface area shall have the following widths:

Minimum Right-of Way-50 feet

Minimum Pavement Or Improved Surface Area

- a. 18 feet + curbing or 2 five foot shoulders
(populated area or 25 lots or more)
- b. 16 feet + two foot shoulders
(rural area and less than 25 lots)

22. Where curbs exist on abutting properties, their extension by the subdivider may be required, at the discretion of the Planning Board, throughout all or a portion of the proposed subdivision. All curbs shall be approved by the Board. Where curbs are not required, adequate ditches or gutters shall be constructed and protected by seeding or appropriate surfacing by the subdivider.
23. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least 4 feet wide and 4 inches thick shall be installed where required, as specified by the Board.
24. All topsoil, humus, tree stumps and like organic material shall be removed from the roadbed, and the sub-base shall be approved by the Code Enforcement Officer before any gravel is placed upon it.
25. Each road which is intended for cession to the Town shall be constructed subject to the approval of the Town Board.
26. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed burrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions and as approved by the Board. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow by means of re-vegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

1. **Fire Hydrants**- Installation, type, location of all fire hydrants shall be as approved by the Planning Board and shall be in conformity with the standards of the New York Fire Insurance Rating Organization, the division of Fire Insurance Rating Organization, the Division of Fire Safety of the State of New York, and any special requirements of the Hamlet Water District, or Fire District.
2. **Location**- Utilities shall be located in accord with any applicable Public Service Commission guidelines and as approved by the Board. The Board shall require, whenever physically possible and when the size, location, and present service permits, that utilities be placed underground and in the road right-of-way between the travel surface and right-of-way line, or in a consistent location within individual property lines to simplify location and repair of lines when they require attention. Placement of utilities shall avoid areas of pedestrian and/or non-motorized circulation.

E. Flooding, Drainage, and Runoff

1. Any subdivision involving lands designated as Flood Hazard Areas by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development and any other land subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard shall be reviewed by the Board in accord with published guidelines for development in flood hazard areas.
2. Storm and surface drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision.
3. Drainage structure and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary.
4. The subdivider shall allow no holes, depressions, or other un-drained areas to remain, except such wetlands as may be natural features or necessary retention basins which shall be protected or situated at the direction of the Board.
5. The grading plan and the design of roadways in relation to storm drainage shall be such that the runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the roadway in short runs of generally less than 500 feet and will then be diverted from the roadway surface into storm sewers or a natural drainage course.
6. The use of open water courses for drainage involves considerations related to safety, erosion control, stagnant water, protection of capacity, and appearance, which considerations will be recognized according to the following:
 - a. **Safety**- Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks. Ditches shall, wherever feasible. Be in the shape of a wide top "U" with rounded or squared invert.
 - b. **Erosion Control**- Adequate measures shall be taken to prevent erosion. The Board shall require seeding, sodding, planting, riprap, or other measures as may be necessary to prevent scouring.
 - c. **Drainage**- The subdivider shall guard against the creation or continuation of swampy areas or stagnant pools in close proximity to any development.
 - d. **Capacity**- The subdivider shall provide adequate measures for the protection of open drainage channels by establishing satisfactorily located drainage easements of sufficient width.
 - e. **Appearance**- As a natural water course can be an attractive visual asset to the subdivision as well as to the community, the subdivider shall, where possible, retain and improve the

appearance of any natural water course used for surface or storm drainage as is practical.

7. Storm sewers shall have a minimum diameter of 12 inches and a minimum grade of $\frac{1}{2}$ of 1%.
8. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less are used, and not more than 500 feet apart where larger sizes are installed.
9. Subdivisions shall be so designed that a length of flow for water in a gutter or roadside ditch does not exceed 500 feet, except as permitted by the Board. Runs exceeding the maximum shall be connected to storm sewers or diverted to a natural drainage way.
10. Water in gutters and ditches shall not be allowed to flow over intersecting roadways, but shall be placed in adequate culverts.
11. Suitable headwalls, end walls, ditch seeding or sodding, and other procedures or devices to prevent erosion shall be used.

F. Re-vegetation of Disturbed Soil Areas

1. Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise stabilized with structural measures to minimize the potential for soil erosion as soon as practicable.
2. Revegetation measures and efforts shall be evaluated by visual inspections which shall include identification and measurements of the actual condition of new healthy vegetation. Such evaluation shall be made not sooner than 180 calendar days from the date of planting and not later than 360 calendar days from the date of planting.
3. Corrective action shall be instituted and completed within the time specified by the Code Enforcement Officer upon determination of unsatisfactory compliance with this Section. In making any determination required by this Section, the Code Enforcement Officer shall consider significant rills, gullies, loss of mulch, loss of seed or failure of seed germination as evidence of unsatisfactory compliance.
4. Construction operations requiring revegetation of an aggregate area larger than 20,000 square feet shall be done in stages. Each stage shall receive complete treatment for revegetation or mulching as if the stages were individual constructions.
5. Upon completion of final grading of any area, revegetation operations shall begin within 5 days and shall be completed within 10 days. In the event that more than 5 days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within 5 days of disturbance and shall be completed within 10 days to minimize the potential for soil erosion.

G. Street Lights, Trees, Signs and Seedlings

1. Street lights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board, using the guidelines for "Dark Sky Compliant" lighting.
2. Street trees are to be the responsibility of the subdivider. Retention and preservation of existing trees and location and type of new trees shall be approved by the Board. Zone-hardy species that preserve, enhance, and diversify the community canopy are less vulnerable to the long term threat of invasive species, such as the Emerald Ash Borer and the Asian Longhorned Beetle, and should be considered as replacement for those trees lost to construction.
3. The Area between the drainage way and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
4. Street name signs shall be of the type and in the location determined by the Board and shall be provided by agreement between the Board and the applicant.

H. Public Sites and Open Space

1. Where a proposed park, playground, school, or other public use shown in the Town Plan, or desirable for use as the same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.
2. In the instance of a subdivision involving the creation of 25 lots or more, the Board shall, and in the instance of a subdivision of 24 lots or less, the Board may, require up to 10% of the land area of such subdivision be reserved and improved for open space recreation purposes.
3. If the Board determines that a suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat, other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum based on the size of the subdivision, the number of lots to be subdivided and the value of the land in relationship to the 10% standard which might otherwise have been required for open space recreation purposes; which in sum shall constitute a trust fund to be used exclusively for open space recreational purposes; designed to serve such subdivision, including the improvement of existing facilities.

I. Monuments

1. The tract boundary lines, and the lines of all streets or roads shall be marked with monuments with concrete, stone, or iron monuments with monument caps.
2. Individual property boundaries shall have corners marked with iron pins or pipes.

3. The Board may require that all such monuments be in place and capable of verification prior to the Planning Board Chairperson recording his or her signature on the Subdivision Plat.

Article XI Alternative Energy Sources

Wind Energy Facilities

Section 1

1. Purpose- The Town of Edwards promotes the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), and regulates the placement of such systems so that the public health, safety, and welfare will not be jeopardized.

2. Authority-

1. Article IX of the New York State Constitution, §2(6) and (10).
2. New York Statute of Local Governments, § 10(1),(6), and (7).
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a)(6), (11),(12), and (14).
4. The supersession authority of New York Municipal Home Rule Law, §10(2)(d)(3), specifically as it relates to determining which body shall have

power to grant variances under this Local Law. To the extent such grant of power is different than under Town Law §267.

- 5. New York Town Law, Article 16, (Zoning).
- 6. New York Town Law § 130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).
- 7. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(General powers).

Section 2. **Permits Required**

- A. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Edwards, except in compliance with this Local Law.
- B. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Edwards, except in a Wind Overlay Zone, pursuant to a Special Use Permit approved pursuant to this Local Law.
- C. No Special Permit shall be issued for construction, reconstruction, modification or operation of a WECS in the Town of Edwards, unless and until a Wind Overlay District has been created by act of the Town Board. Appendix 3
- D. No Special Permit shall be issued for construction, reconstruction, modification or operation of a WECS in the Town of Edwards, until all other permits as may be required (e.g., FAA, DEC, etc.) have been issued and evidence of same provided to the Town of Edwards.
- E. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Edwards, except pursuant to a Special Use Permit issued pursuant to this Local Law.
- F. No Small Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Edwards, except pursuant to a Special Use Permit issued pursuant to this Local Law.
- G. Exemptions. No permit or other approval shall be required under this Local Law for mechanical, non-electrical WECS utilized solely for on-site agricultural operations.
- H. Transfer. No transfer of any Wind Energy Facility or Special Use Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), will occur without prior approval of the Town, which approval shall be granted upon

written acceptance by the transferee of the obligation of transferor under this Local Law. No transfer shall eliminate the liability of an applicant or of any other party under this Local Law.

I. Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Planning Board approval when there will be (1) no increase in Total Height of the WECS; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color, and (4) no increase in noise produced by the WECS.

Section 3. **Definitions.**

As used in this portion of Local Law, the following terms shall have the meanings indicated:

1. EAF- Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.
2. RESIDENCE- means any dwelling suitable for habitation existing in the Town of Edwards on the date an application is received. A residence may be part of a multi-dwelling or multipurpose building, and shall include buildings such as hunting camps, seasonal residences, hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions.
3. SEQRA- the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.
4. SOUND PRESSURE LEVEL- means the level which is equaled or exceeded a stated percentage of time. An L₁₀-50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.
5. SITE- The parcel(s) of land where the Wind Energy Facility is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered an agreement for said Facility or a setback agreement shall not be considered off-site.
6. LARGE WIND ENERGY CONVERSION SYSTEM- (Large WECS)- A wind energy conversion system with a rated capacity of more than 100kW consisting of turbines, towers, transmission lines, controls, conversion electronics and all components needed to generate and transmit energy to utility companies.

7. **SMALL WIND ENERGY CONVERSION SYSTEM-** (Small WECS)- A wind energy conversion system consisting of a wind turbine, a tower , and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily generate on-site power or reduce on-site consumption of utility power.

8. **TOTAL HEIGHT-** The height of the tower and the furthest vertical extension of the WECS.

9. **WIND ENERGY CONVERSION SYSTEM (WECS)-** A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

10. **WIND ENERGY FACILITY-** Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

10. **WIND MEASUREMENT TOWER-** A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

11. **WIND OVERLAY ZONE-** Those areas of the Town of Edward which the Town Planning Board has determined are appropriate for the development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures.

4. *Applicability*

A. The requirement of this Local Law shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Local Law.

B. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Local Law, shall not be required to meet the requirements of this Local law; provided , however, that:

1. Any such pre-existing Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirement of this Local Law prior to recommencing production of energy.

2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Local Law.

3. Any Wind Measurement Tower existing on the effective date of this Local Law shall be removed no later than twenty-six (26) months after said effective date, unless a Special Use Permit for said Wind Energy Facility is obtained.

C. Wind Energy Facilities may be either principal or accessory uses. A different existing use or an existing structure on the same Site shall not preclude the installation of a Wind Energy Facility or a part of such facility on such Site. Wind Energy Facilities constructed and installed in accordance with this Local Law shall not be deemed expansions of a nonconforming use or structure.

5. Creation of Wind Overlay Zones

- A. Wind Overlay Zones shall be created by the Town Board to delineate those areas in the Town of Edwards that are appropriate for the development of large wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures.
- B. The Town Board shall refer development of Wind Overlay Districts to the Town Planning Board. The Town Planning Board shall hold public meetings after public notice at which the Planning "Board shall consider the landscape and topography of the town, current land uses and future development patterns, natural resources, unique or sensitive environments, the local existence of wildlife and plant species, viewsheds, zoning districts, residents opinions, and other pertinent information.
- C. After considering these and any other information presented at public hearing, the Town Planning Board shall determine those areas which are not considered appropriate for development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures. Any other areas of the Town of Edwards may be designated by the Town Planning Board to be potential Wind Overlay Zones.
- D. The Town Planning Board shall report its findings and make recommendations to the Town Board.
- E. The Town Board shall hold a public hearing after public notice as required, and shall consider the recommendations of the Town Planning Board and all other comments, reviews and statements pertaining thereto. After considering these and any other information presented at public hearing, the Town Board shall determine which areas of the Town of Edwards shall be determined to be Wind Overlay Zones.
- F. If approved, the Town Board will direct the Town Clerk to modify the Official Map to reflect the creation of the Wind Overlay Zone(s)
- G. Once a Wind Overlay Zone has been created new WECS(s) or accessory structures or facilities may be added in that zone by grant of a Special Use Permit pursuant to the requirements of this Article.
- H. Construction, reconstruction, modification or operation of Small Wind Energy Conversion Systems (Small WECS) or Wind Measurement Towers, as defined in this Local Law, shall not be limited to Wind Overlay Zones, as long as these other projects comply with all other regulations contained herein.

6. Applications for Wind Energy Conversion Systems

A. An application for Special Use Permit for individual WECS shall include the following:

1. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing representation.

2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address, or other property identification, of each proposed tower location, including Tax Map section, block and lot number, latitude and longitude coordinates.

4. A description of the project, including the number and maximum rated power output capacity of each WECS.

5. A plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following:

(a) Property lines and physical dimensions of the Site.

(b) Location, approximate dimensions and types of major existing structures and uses on Site, public roads, arid adjoining properties within five hundred (500) feet of the boundaries of the Wind Overlay Zone.

(c) Location and elevation of each proposed WECS

(d) Location of all above ground utility lines on the Site or within one radius of the Total Height of the WECS, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.

(e) Location and size of structures above 35 feet within a five - hundred- foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.

(f) The zoning designation of the subject and adjacent properties as set forth in Town Zoning Law.

(g) Boundaries of the Wind Overlay Zone, to demonstrate that each proposed WECS is located within said overlay zones.

(h) To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:

(i) Perimeter equal to one and a half times the tower height.

(ii) Five Hundred foot perimeter.

(iii) One Thousand foot perimeter.

Information shall be provided concerning ownership and land uses within the above mentioned perimeters.

(i) Location of the nearest residential structure on the Site and located off-site, and the distance from the proposed WECS.

(j) All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units and fencing.

6. Vertical drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.

7. Landscaping Plan depicting vegetation describing the area to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.

8. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.

9. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include: 1) the anticipated life of the WECS; 2) the estimated decommissioning costs in current dollars; 3) how said estimate was determined; 4) the method of ensuring that funds will be available for decommissioning and restoration; 5) the method, such be annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and 6) the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of 3 feet, restoration of the soil, and restoration of the vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

10. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.

11. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:

(a) A construction schedule describing commencement and completion dates and hours of construction; and

(b) A description of the routes to be used by construction and delivery vehicles, the gross weights and heights of those loaded vehicles.

12. Completed Part 1 of the Full EAF.

13. Applications for Wind Energy Permits for Wind Measurement Towers subject to this Local Law may be jointly submitted with the WECS.

14. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to all lubricants and coolants.

15. If the applicant agrees in writing in the application that the proposed WECS may have significant adverse impact on the environment, the Town Board may issue a positive declaration of environmental significance.

16. If a positive declaration of environmental significance is determined by the SEQRA lead agency, the following information shall be included in the Draft Environmental Impact Statement (DEIS) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:

(a) Shadow Flicker: The applicant shall conduct a study on potential flicker. The study shall identify locations where shadow flicker may be caused by the WECS (s) and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems.

(b) Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

(c.) Fire Protection: A fire protection and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed Zone.

(d) Noise Analysis: A noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document noise levels at property lines and within 2000 feet of each proposed WECS, and be consistent with current Department of Environmental Conservation policy and guideline documents related to assessing and mitigating noise impacts. The noise analysis shall include low frequency noise.

(e) Property Value Analysis: Property value analysis shall be prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties neighboring WECS Sites.

(f) Electromagnetic Interference: An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.

(g) Transportation Impacts: An analysis of impacts on local transportation shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Transportation impacts to be considered shall include, at a minimum, potential damage to local road surfaces and road beds; potential traffic tie-ups by haulers of WECS materials; disruption of school bus routes.

(h) Ground water impacts: An analysis of impacts on local ground water resources shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS.

(i) Cultural Resources: An analysis of impacts on cultural resources shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS, including those aboveground (historical) and belowground (archeological).

(j) Wildlife Impacts: An analysis of impacts on local wildlife shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Wildlife impacts to be considered shall include, at a minimum, anticipated impacts on flying creatures (birds, bats, insects), as well as wild creatures existing at ground level.

17. The applicant shall, prior to the receipt of a building permit, provide proof that it has executed an Interconnection Agreement with the New York Independent System Operator and the applicable Transmission Owner.

18. A statement, signed under penalties of perjury, that the information contained in the application is true and accurate.

7. Application Review Process

A. Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.

B. Six copies of the application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.

C. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.

D. If the application is deemed incomplete, the Planning Board or is designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of WECS proposed is increased.

E. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.

F. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed WECS, and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the notice of Public Hearing prepared by the Planning Board ,

and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

G. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.

H. Notice of the project shall also be given, when applicable, to (1) The St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining towns under Town Law §264.

I. SEQRA review. Applications for WECS are deemed Type 1 projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the record of the Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.

J. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

8. Standards for Large WECS

The following standards shall apply to all WECS, unless specifically waived by the Town Board as part of a permit.

A. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.

B. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to the Town Zoning Law. Applications may be jointly submitted for WECS and telecommunications facilities.

C. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.

D. Lighting of tower. No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan.

E. All applicants shall use measures to reduce the visual impact of WECS(s) to the extent possible. WECS(s) shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECS within a Wind Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one

another, is similar within and throughout the Zone, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

F. The use of guy wires is disfavored. A WECS using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.

G. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Permit for the specific WECS or WECS(s) causing the interference.

H. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.

I. WECS(s) shall be designed to minimize the impacts of land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible. All top soil disturbed during construction, reconstruction or modification of WECS shall be stockpiled and returned to the site upon completion of the activity which disturbed the soil.

J. WECS shall be located in a manner that minimizes significant negative impacts on animal species in the vicinity, particularly bird and bat species, including those that may be listed by the U.S. Fish & Wildlife Service as threatened or endangered.

K. Wind energy conversion facilities shall be located in a manner consistent with all applicable State and Federal wetlands laws and regulations.

L. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable State and Federal laws and regulations.

M. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to, both inside and outside of agricultural districts.

N. Maximum Total Height of any WECS shall be 500 feet.

O. Construction of the WECS shall be limited to the hours of 7 AM to 7 PM, Monday through Friday, unless the prior written approval of the Planning Board is received to allow deviation from such hours.

P. If it is determined that a WECS is causing stray voltage issues, the operator shall take the necessary corrective action to eliminate these problems including relocation or removal of the facilities, or resolution of the issue with the

impacted parties. Failure to remedy stray voltage issues is grounds for revocation of the Wind Energy Permit for the specific WECS or WECS(s) causing the problem.

9. Required Safety Measures

A. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

B. If the property owner submits a written request that fencing be required, a six-foot high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.

C. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building, if there is no fence), containing emergency contact information, including a local telephone number with 24 hour, 7 day a week coverage. The Town Planning board may require additional signs based on safety needs.

D. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole or guyed towers.

E. The minimum distance between the ground and any part of the rotor or blade system shall be thirty-five (35) feet.

F. WECS(s) shall be designed to prevent unauthorized external access to electrical and mechanical components and have access doors that are kept securely locked.

G. Copies of all reports concerning operating and safety inspections for each WECS shall be filed with the Town Clerk.

10. Traffic Routes

A. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and /or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS related traffic during time of school bus activity; (3) minimizing wear and tear on local roads; and

(4) minimizing impacts on local business operations. Permit conditions may limit WECS related traffic to specified routes, and include a plan for dissemination traffic route information to the public.

B. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads.

C. If the applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway including but not limited to snow plowing. No act of maintenance on a seasonal use highway by an applicant shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway.

11. Noise Standards and Setbacks for Wind Energy Conversion Systems

A. The statistical sound pressure level (L₁₀) generated by a WECS shall not exceed 45 dBA when measured at the nearest inhabited off-site dwelling, school, hospital, church or public building existing at the time of application. If the ambient sound pressure level exceeds 50 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

B. In the event audible noise due to Wind Energy Facility operations contains a fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five. (125) Hz.

C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceed for more than 5 (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

D. Any noise level falling between two whole decibels shall be the lower of the two.

E. Each WECS shall be setback from Site boundaries, measured from the center of the WECS:

1. 500 feet from the nearest site boundary property line.
2. 500 feet from the nearest public road.
3. 500 feet from the nearest edge of the Wind Overlay District.
4. 1,000 feet from the nearest off-site residence existing at the time of application, measured from the exterior of such residence.

5. One and a half times the Total Height of the WECS from any non-WECS structure or any above-ground utilities.

6. 500 feet from state-identified wetlands or bodies of water. This distance may be adjusted to be greater at the discretion of the reviewing body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds.

12. Issuance of Special Use Permits

A. Upon completion of the review process, the Town Planning Board shall, upon consideration of the standards in this Local Law and the record of the SEQRA review, issue a written decision with the reasons for approval, conditions of approval, or disapproval, fully stated.

B. If approved, the Town Planning Board will issue a Special Use Permit for each WECS upon satisfaction of all conditions for said Permit and direct the Code Enforcement Officer (inspector) to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code, and the other conditions of this Local Law.

C. The decision of the Town Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.

D. If any approved WECS is not substantially commenced within two years of issuance of the permit, the special use permit shall expire.

13. Abatement

A. If any WECS remains non-functional or inoperative for a continuous period of 1 year, the applicant agrees that, without any further action by the Town Planning Board, it shall remove said system at its own expense. Removal of the system shall include at least the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the applicant demonstrated to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town Planning Board's ability to order a remedial action plan after public hearing.

B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Town Planning Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested, necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.

C. Decommissioning Bond or Fund. - The applicant, or successors, shall continuously maintain a fund or bond payable to the Town for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York-licensed financial institution. All costs of the financial security shall be borne by the applicant. All decommissioning funding requirements shall be met prior to commencement of construction.

14. Limitations on Approvals; Easements on Town Property

A. Nothing in this Local Law shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Local Law shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.

B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Town Planning Board deems appropriate, as long as said agreements are not otherwise prohibited by state or local law.

15. Permit Revocation

A. Testing fund. A Special Use Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as every two years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Local Law and shall also include an evaluation of any complaints received by the Town. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

B. Operation. A WECS shall be maintained in operational conditions at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions.

Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Town Board. The applicant shall have 90 days after written notice from the Town Board to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

C. Notwithstanding any other abatement provision under this Local Law, and consistent with 19(A) and 21(B), if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular time frame, or (2) order revocation of the Wind Energy Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

16. Wind Measurement Towers

1. Wind Site Assessment

The Town Board acknowledges that prior to construction of a WECS, a wind site assessment is conducted to determine the wind speeds and the feasibility of using particular sites. Installation of Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted as Special Uses, within the Wind Overlay Zone.

2. Applications, Standards, and Review for Wind Measurement Towers

1. The processes for installation of a Wind Measurement Tower shall include:
 - a. An application with the name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.
 - b. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
 - c. Address of each proposed tower Site, including Tax Map section, block and lot number.
 - d. Site plan.

e. Decommissioning Plan, including a security bond or cash for removal.

2. Standards for Wind Measurement Towers shall include:

a. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.

b. Anchor points for any guy wires for a Wind Measurement Tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.

c. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind farm projects shall be adhered to both inside and outside of agricultural districts.

d. Special Use Permits for Wind Measurement Towers may be issued for a period of up to two years. Permits may be renewed if the Facility is in compliance with the conditions of the Special Use Permit.

3. Application Review Process

a. Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application reviews. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.

b. Six copies of the application shall be submitted to the town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.

c. Town staff or town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.

d. If the application is deemed incomplete, the Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of the application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of Wind Measurement Towers proposed is increased.

e. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.

f. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Wind Measurement Tower and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

g. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.

h. Notice of the project shall also be given, when applicable, to (1) the St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.

i. SEQRA review. Applications for Wind Measurement Towers are deemed Unlisted projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the record of the Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.

j. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

17. Small Wind Energy Conversion Systems Purpose and Intent

The purpose of this Article is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The

intent of this Article is to encourage the development of small wind energy systems and to protect the public health, safety and community welfare.

A. Permitted Areas.

Small Wind Energy Conversion Systems (Small WECS) may be permitted in any zoning district on a Site of at least 1 acre, upon issuance of a Special Use Permit. A Small WECS shall be set back from all property lines a distance equal to at least 1.5 times its height, and an equal distance from all existing buildings, power lines, or any obstruction which could cause damage in case of failure of the tower.

B. Applications

Applications for Small WECS Special Use Permits shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.
2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
3. Address of each proposed tower Site, including Tax Map section, block and lot number.
4. Site plan of each tower site, including but not limited to showing the location of the tower in relation to other structures and lot lines, topography of the site, location of trees and other landscape elements.
5. Ownership and land use information within a 500-foot radius of the location proposed for each tower.
6. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
7. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
8. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
9. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and states in the application, that the system will not be connected to the electricity grid.
10. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from

nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

C. Application Review Process

- a. Applicants may request a pre-application with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.
- b. Six copies of the application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.
- c. Town staff or Town-designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this article is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.
- d. If the application is deemed incomplete, the Planning Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of Small WECS (s) proposed is increased.
- e. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- f. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Small WECS and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.
- g. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.

- h. Notice of the project shall also be given, when applicable, to (1) the St Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and to the adjoining Towns under Town Law §264.
- i. SEQRA review. Applications for Small WECS are deemed Unlisted projects under SEQRA. The Planning Board may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the record of the Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.
- j. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this section.

D. Development Standards

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

- a. A system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application.
- b. Only one Small Wind Energy System tower per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one lot for purposes of this Article.
- c. Small Wind Energy Systems may be used primarily to reduce the on-Site consumption of electricity.
- d. Tower heights may be allowed to vary, dependent on the technology employed. However, setbacks from all property lines shall be maintained, at a minimum, at one and a half times the total height of the tower. Maximum allowed height of a Small WECs shall be 150 feet, including blade extension. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of title 14 of the code of Federal Regulations regarding installations close to airports.
- e. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.

f. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system shall use natural landforms and vegetation for screening.

g. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

h. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified due to reasons of excessive grading, biological impacts, or similar factors.

i. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

j. The system shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.

k. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

l. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

a. Tower-climbing apparatus located no closer than 12 feet from the ground.

b. A locked anti-climb device installed on the tower.

m. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on an not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.

n. Construction of on-site access roadways shall be minimized.

Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation

o. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrated that a lower height will not jeopardize the safety of the wind turbine structure.

p. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

q. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

r. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to both inside and outside of agricultural districts.

s. Except during short-term events including utility outages and severe windstorms, a Small WECS shall be designed, installed and operated so that noise generated by the system shall not exceed the 45 decibels (dBA), as measured at the lot line.

E. Abandonment of Use

a. Small WECS which have not been in use for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town of Edwards

b. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

F. Miscellaneous

Fees:

a. Non-refundable Application Fees shall be as follows:

1. WECS Special Use Permit \$100.00 per megawatt of rated maximum capacity.
2. Wind Measurement Towers: \$200.00 per tower.
3. Small WECS: \$150.00 per Small WECS.

4. Wind Measurement Tower Special Use Permit renewals: \$50.00 per Wind Measurement Tower.
- b. Building Permits. The Town believes the review of building and electrical permits for Wind Energy Facility requires specific expertise for those facilities. Accordingly, for such facilities an administrative fee of \$25.00 per permit request shall be charged for administrative costs, plus the amount charged to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the Town and the applicant will agree to a fee arrangement and escrow agreement to pay for the costs of the review of the plans, certifications or conduct inspections (as agreed by the parties), document handling and storage.
- c. Nothing in this Local Law shall be read as limiting the ability of the Town to enter into Host Community agreements with any applicant to compensate the town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required by SEQRA.
- d. The Town Board may amend these fees, by resolution after a properly noticed public hearing.

Tax Exemption: The Town of Edwards hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law 487, pursuant to the authority granted by paragraph 8 of that law.

G. Enforcement, Penalties and Remedies for Violations

- a. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Local Law.
- b. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy conversion facility or wind monitoring tower in violation of this Local Law or in noncompliance with the terms and conditions of any permit issued pursuant to this Local Law, or any order of the Code Enforcement Officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350.00 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for

each week such violation shall continue. The town may institute a civil proceeding to collect civil penalties in the amount of \$350.00 for each violation and each week said violation continues shall be deemed a separate violation.

c. In case of any violation or threatened violation of any of the provisions of this local law, including the terms and conditions imposed by any permit issued pursuant to this local law, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

Solar Collection Systems

Section 1

Purpose and Intent

- A. The purpose of this legislation is to balance the potential impact on neighbors when solar collectors may be installed near their property, while preserving the rights of property owners to install solar collection systems without excess regulation. This legislation is not intended to override agricultural exemptions that are currently in place for farmers.
- B. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load.
- C. The use of solar energy equipment for the purpose of providing electricity and for heating and/or cooling is a national priority and is a necessary component of the Town of Edwards' sustainability agenda.

Section 2

Definitions Pertaining to Solar Power

Accessory Structure- A structure, the use of which is customarily incidental and subordinate to that of the principal building, may be attached to the principal building, and is located on the same lot as the principal building.

Alternative Energy System- Structure, equipment, devices and components, or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

Building-Integrated Photovoltaic (BIPV) System- A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter relief of the roof.

Collective Solar- Solar installation owned collectively (i.e.) through subdivision homeowner association, college student groups, "adopt-a-panel", or other similar arrangements.

Flush –Mounted Solar Panel- Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall and which cannot be angled or raised.

Freestanding or Ground –Mounted Solar Energy System- A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure.

Front Yard- As used in this chapter of the Code, shall mean that portion of the lands not occupied by the principal building and comprising that part of the lands extending from the principal building from a line drawn from the front corners of the building at a ninety-degree angle to the side of the building sideways from the corners of said structure to the property line toward the street.

Net Metering- A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage

Permit Granting Authority- Permits for installation of Solar Energy Systems are granted by the Code Enforcement Officer following review and approval by the Edwards Planning Board.

Photovoltaic (PV) System- A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.

Qualified Solar Installer- A person who has skills and knowledge relate to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Edwards Planning Board determines such persons to have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of the exposed parts.

Rooftop or Building-Mounted Solar System- A solar system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solar Access- Space open to the sun and clear of overhangs or shade including the orientation of the streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Collector- A solar photo voltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat air or water.

Solar Easement- An easement recorded pursuant to the NY Real Property Law §335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

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

Solar Panel- A device for the direct conversion of solar energy into electricity.

Solar Storage Battery- A device that stored energy from the sun and makes it available in electrical form.

Solar Thermal System- Solar thermal systems directly heat water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Section 3 Applicability

- A. The requirements of this chapter shall apply to all solar collector system installations modified or installed after the effective date of this chapter.
- B. Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this chapter, shall not be required to meet the requirements of this chapter, except in accordance with Section 5, (Safety) D,E, and F.

C. All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards, as referenced in the State Building Code and Town of Edwards Code.

D. Solar collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit "collective solar" installations or the sale of excess power through a "net billing" or "net metering" arrangement in accordance with New York Public Service Law §66-j or similar state or federal law or regulation.

Section 4

Permitting

A. To the extent practicable, and in accordance with the Town of Edwards Land Use Plan, the accommodation of solar access to sunlight for such equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Edwards.

B. Rooftop and building mounted solar collectors. Such units are permitted in all zoning districts in the Town of Edwards subject to the following conditions:

(1) Building permits shall be required for installation of all rooftop and building mounted solar collectors.

(2) Height limitations shall not be applicable to solar collectors that are rooftop mounted, provided that they are no higher than necessary to accomplish the intended purpose, and do not obstruct solar access to neighboring properties. Units applied to flat roofs must not extend horizontally beyond the roofline.

(3) Rooftop units must have a three foot setback on all four sides.

(4) Roof structures must be properly engineered to safely support collectors.

(5) Rooftop units must be installed according to manufacturer's specifications.

C. Building -integrated photovoltaic (BIPV) systems are permitted in all zones. No building permit is required if the system is installed as a component of new construction. All other installations require a permit.

D. Ground-mounted racks and freestanding solar collectors, mounted on a pole(s) require a permit as an accessory structure use, subject to the following conditions:

(1) Building permits are required for all ground-mounted and freestanding solar collectors.

(2) The location of the solar collectors must meet all applicable setback requirements.

(3) Units must be installed in a side or rear yard.

(4) Small experimental solar panels for charging batteries (less than one kilowatt) would not require any permits.

(5) Solar collectors shall be located in manner that minimizes shading of property to the north while still providing adequate solar access for collectors.

E. Solar-thermal systems are permitted in all zones and require a building permit for installation.

F. Solar energy systems and equipment of all types and uses require the issuance of a permit by the Code Enforcement Officer, following approval by the Edwards Planning Board. A public hearing, and/or, conditions may be required, and determination by the Planning Board and Code Enforcement Officer that proposed system does not present any unnecessary safety risks, including excessive weight load, wind resistance, or ease of ingress or egress in the event of fire or other emergency.

Section 5. Safety

- A. All solar collector installations must be performed by a qualified solar installer if the installation is by other than the homeowner.
- B. Prior to operation, electrical connections must be inspected by the Code Enforcement Officer and by an Electrical Inspector, in conformance with State Building Code.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order and shall be removed if not in use for more than 12 months by removal of such system and mounting hardware within 90 days after the 12th month.
- E. Rooftop and building-mounted solar collectors shall be designed and installed to be in compliance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.
- F. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State, Fire Codes and Local Laws for waste disposal. Containers or buildings housing batteries must be labeled clearly, for the protection of Fire and Rescue Personnel.

Section 6. Appeals

- A. If an individual is found to be in violation of the provisions of this zoning code, appeals should be made in accordance with the procedures established by this local law.
- B. If a building permit for a solar energy device is denied because of a conflict with other Town Law or the building code, the applicant may seek relief from the Edwards Zoning Board of Appeals which shall regard solar energy as a factor to be considered, weighed and balanced along with other factors considered by the Zoning Board of Appeals tests.

Hydropower (Landowner Waterpower)

Section 1. Permitting and Requirements

The use of waterpower to generate electricity within the Town of Edwards is permitted in all districts, to the extent allowed by New York State regulations, with the following conditions:

- A. The activity does not hamper the flow of the stream or river.
- B. There is no widening, deepening, diverting or otherwise altering the river or stream course.
- C. No obstructions are placed in the navigable portions of a waterway.
- D. If use is discontinued all mechanisms and traces of activity in the water and onshore must be removed, within 12 months of discontinuance of use.
- E. All proposed activities must comply with the regulations of New York State and the Federal Government regulations regarding waterways.
- F. Structures on shore facilitating the use must comply with building codes, permitting, and all regulations of this Local Law.
- G. Municipal hydropower systems, if any, within the Town of Edwards, are exempt from these regulations, but must comply with those of New York State as well as any Federal regulations which may apply.

Section 2. Applications and Review- Applications for permit shall be reviewed by Town of Edwards Planning Board, scope of work to be determined by such Board, and, if project is deemed to have no adverse effects on the environment, surrounding area, adjoining properties, and is in compliance with other components of this Local Law, the Code Enforcement Officer will issue a permit. An EAF may be required, dependant on scope of work.

Article XI Administration

Section 1. Code Enforcement Officer

A. Creation: The Town Board of Edwards has previously established the Office of Code Enforcement. This Local Law ratifies the continuance of this office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board at a compensation established by the Town Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act for this officer.

B. Duties and Powers: The Code Enforcement Officer shall perform all of the functions identified in this Local Law, and shall otherwise assist the Town Board in the administration and enforcement of this Local Law.

Section 2. Planning Board

A. Creation: This Local Law ratifies the continuance of the existing Edwards Planning Board, consisting of 5 members. Appointment of members shall be made by the Town Board. The first appointment of members thereto shall be for terms so fixed that at least one will expire at the end of each calendar year commencing at the end of the current such year and continuing in succeeding years until the entire original appointment of the succeeding members shall be appointed for five year terms. No such term shall exceed five years.

B. The Town Board may appoint, by resolution, alternate members to substitute in the event that a member is unable to participate due to a conflict of interest on an application or matter before the Board. Alternates so designated shall possess all the powers and responsibilities of such members of the Board, and must participate in the mandatory training and continuing education that regular members are required to receive, prior to voting on a Board matter. Designation of an alternate shall be entered into the minutes of the initial planning board meeting at which the substitution is made.

C. Bylaws

1. The Planning Board shall elect a chairperson from among its members.
2. The Planning Board shall adopt written Bylaws regarding the conduct of business, record-keeping, voting, notification of an applicant regarding decisions, the conduct of public hearings, the conduct of studies and investigations, the referral of certain actions to the St. Lawrence County Planning board under Section 239-M of New York General Municipal Laws, and other matters under its purview in accordance with applicable statutes in New York State Town Law.

D. Duties and Powers: The Planning Board shall have the following duties:

1. Review subdivision plats and approve, approve with conditions, or disapprove.
2. Review Site Plans and Special permits where applicable and approve, approve with conditions, or disapprove.
3. Conduct studies, planning or surveys as needed to further the purposes of this Local Law.
4. To conduct public hearings on special permit applications at its discretion.

E. Compensation: Compensation of Planning Board members for expenses associated with their duties shall be fixed from time to time by resolution of the Edwards Town Board.

F. Removal/Conflict-of-Interest: A Planning Board member may have his/her appointment terminated for cause by resolution of the Edwards Town Board after a public hearing. Any Planning Board member may be removed for non-compliance with minimum requirements relative to meeting attendance and training. No member of the Planning Board shall hold a simultaneous membership on the Board of Appeals.

Section 3. Board of Appeals

A. Creation: A Board of Appeals previously created is hereby ratified for continuance by this Local Law. The Board shall consist of 3 members appointed by the Edwards Town Board. The Town Board shall appoint a Chairperson and a Deputy Chairperson who shall act for a period of 3 years. The first appointments of members thereto shall be for terms so fixed that at least one will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding years until the entire original appointments run out. At the expiration of each original appointment the succeeding members shall be appointed for 3 year terms. The terms of office shall be 3 years.

B. Procedures

1. Meetings: All meeting of the Board of Appeals shall be held at the call of the Chairman and at such other times as a majority of the members of the full Board may determine. All meetings of the Board of Appeals shall be open to the public.

2. Records: The Board shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the vote of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decisions of the Board and the findings of fact on which the decision was based, determination of the Board shall be on file in the office of the Town Clerk.

3. Voting Requirements: The concurring vote of a majority of the full membership of the Board of Appeals shall be required to constitute an official action by the Board.

4. Eligible Applicant or Appellant: An application or appeal to the Board of Appeals may be initiated by any person or party aggrieved under, or with a legitimate interest in, this Local Law including the Town and its officials. An appeal for an interpretation or variance may be made only after a determination and notification of action taken by the Code Enforcement Officer or other body of original jurisdiction, except where such appeal is instituted by an official of the Town. Municipalities are exempt from regulations.

C. Powers and Duties: The Board of Appeals shall have all the powers and duties prescribed by this Local Law. In particular, the powers of the Board of Appeals are as follows:

1. Interpretation: To decide any question involving the interpretation of any provision of this Local Law including determinations made in the administration or application of this Local Law. Such interpretation shall be considered and rendered by the Board only upon application or appeal following a determination made by the Code Enforcement Officer.

2. Variance: The Board of Appeals may vary or adapt the strict application of any of the requirements of this Local Law where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of any provision of this Local Law shall be granted by the Board of Appeals unless the following findings are made: (267- B) New York State Town Law.

a. Area Variance: Proposal must meet all these standard tests:

- 1) The use is permitted in the district.
- 2) Practical difficulties peculiar to the site exist which are not general to the district and are not created by actions of the applicant.
- 3) A variance is the minimum relief necessary (i.e. other means are not available to resolve the difficulty and variance would not exceed minimum required adjustment).
- 4) The variance is in harmony with the general purposes and intent of the regulations, and will not be hazardous to the health, safety and welfare of the neighborhood and community.
- 5) The variance will not cause detrimental changes to the neighborhood, and will not be substantial in scope.
- 6) The variance complies with SEQR requirements.

b. Use Variance: The proposal must meet all these standard tests:

- 1) Hardship demonstrated in monetary terms; the land in question cannot yield a reasonable return if used only for a purpose allowed in the land use district.
- 2) The proposed use will not alter the essential character of the locality.
- 3) The intent of this Local law will be preserved if the variance is granted.
- 4) That the alleged hardship has not been self-created.

3. Application: All appeals and applications made to the Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Local Law involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the

variance should be granted. Such appeal shall be taken within 60 days of the date of notification of the determination which is being appealed. The Code Enforcement Officer shall transmit to the Board all of the records concerning the case which is being appealed.

4. Notification and Public hearing: The Board of Appeals shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least five (5) days prior to that date, and shall, at least five (5) days before such public hearing, mail notice thereof to the applicant or appellant and to the adjacent landowners.

5. Referrals: Where any appeal for variance involves land within 500 feet of an adjoining municipality, State, or County property, or road right-of-way, the appeal shall be referred to the St. Lawrence County Planning Board and acted upon in accord with the requirements of the applicable provisions of Section 239-m of New York State General Municipal Law. SEQR compliance must be met, if applicable. County decision must be given prior to Local decision, but in the event of conflict, the Local Board may overrule the County with a vote comprising a majority plus one of the members of the full Board.

6. Decision and Notification: Within 62 days from the date of any public hearing, the Board shall render a determination on any appeal and notify the applicant in writing within five (5) working days of the date of determination. Notification of the St. Lawrence County Planning Board of the same determination shall occur within seven (7) calendar days of the determination. A rehearing may be held if application warrants further review. Every decision of the Board of Appeals shall be by resolution. The Board of Appeals shall notify the Code Enforcement Officer and Clerk of such decision.

Section 4. Amendments

A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, amend these Regulations pursuant to the applicable requirements of the Law.

B. All proposed amendments shall be referred to the Planning Board for a report and a recommendation. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed approval of the proposed amendment.

C. Any proposed amendments governed by Section 239-m of the General Municipal Law shall be referred to the St. Lawrence County Planning Board for their recommendation prior to a decision by the Town Board.

D. Before any amendment, there shall be a public hearing thereon as provided by law. Notice of the hearing shall be published in a paper of general circulation at least five (5) days prior to the hearing. This hearing may be held prior to receiving notice of the action of the County Planning Board, if required.

E. After the public hearing and referral to the Planning Board, a majority vote of the members of the Town Board shall be required to amend these Regulations.

Section 5. Judicial Review

A. Appeal: All appeals for relief from application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals whose duties and procedure for consideration of appeal are set forth in Article XI, Section 3-B and C of these Regulations.

B. Court Review:

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, Town Board or any official instrument of the Town in the administration of this Local Law may apply to have the decision reviewed in the manner provided by Article Seventy-eight of the Civil Practice Law and Rules, provided the proceedings is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Town unless it appears to the Court that the Town or its representative acted with gross negligence or in bad faith or with malice in making the decision appealed from.

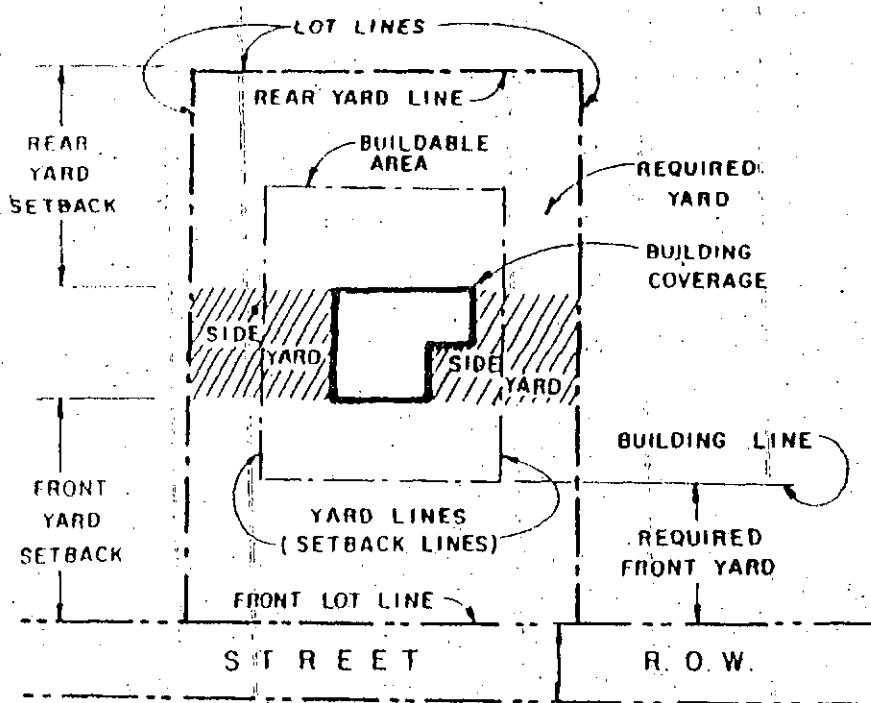
Section 6. Public hearings: Any public hearing held under the provisions of this Local Law shall be advertised by a notice of public hearing to be published once in the official newspaper of the Town at least 5 days prior to the date of the hearing. In addition, notices shall be mailed to the applicant and all owners of real property within 500 feet of the exterior boundary of a proposed subdivision and to adjacent property owners in the case of a special permit. Notices shall be mailed by certified mail, return receipt requested, or may be presented in person. Any hearing may be recessed by the Board in order to obtain additional information or to serve further notice upon property owners or other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced and no further notice or publication will be necessary. Conduct of public hearings shall be within the discretion of the Board but shall conform with generally accepted standards for the conduct of administrative hearings.

Section 7. Repealer: The following Law shall be repealed upon the filing of this Local Law with the New York Secretary of State: Local Law adopted by the Town Board of Edwards, New York, November 14, 1989, "Town of Edwards Land Use Regulations

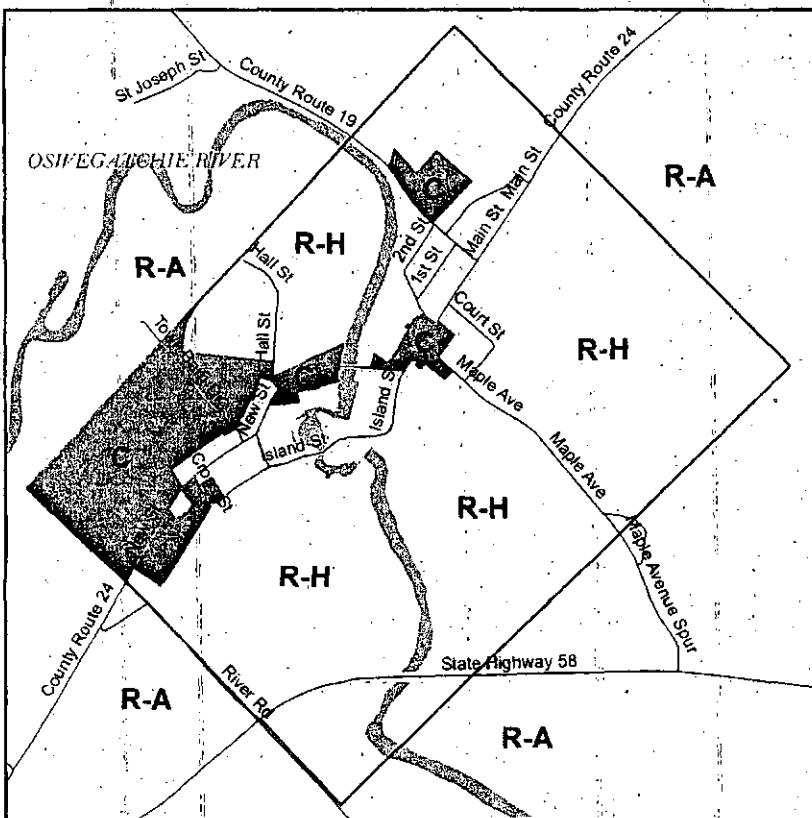
Section 8. **Effective Date:** This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Edwards.

Appendix:

1. Setback and lot- line diagram



**Town of Edwards
Zoning Districts - 2015**



Legend

Property Boundaries

Street or Road



Lake or River

State Land

Zoning Districts

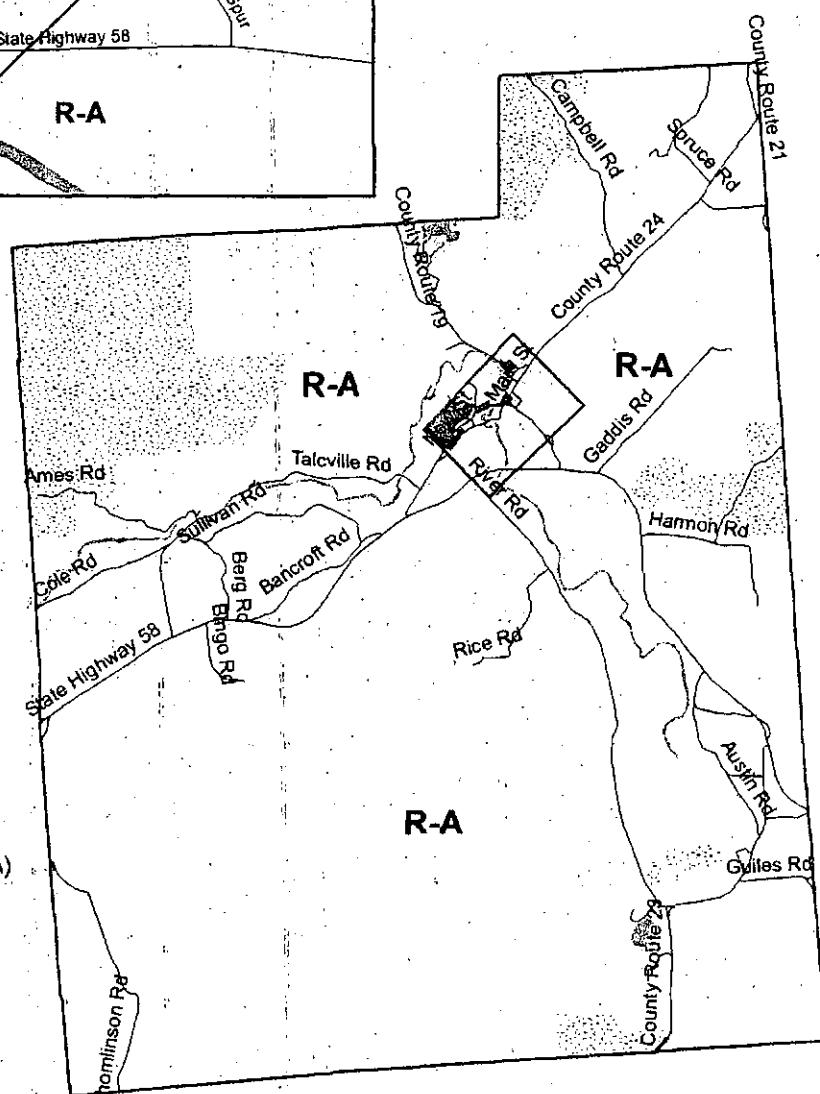


Commercial (C)

Residential-Hamlet (R-H)

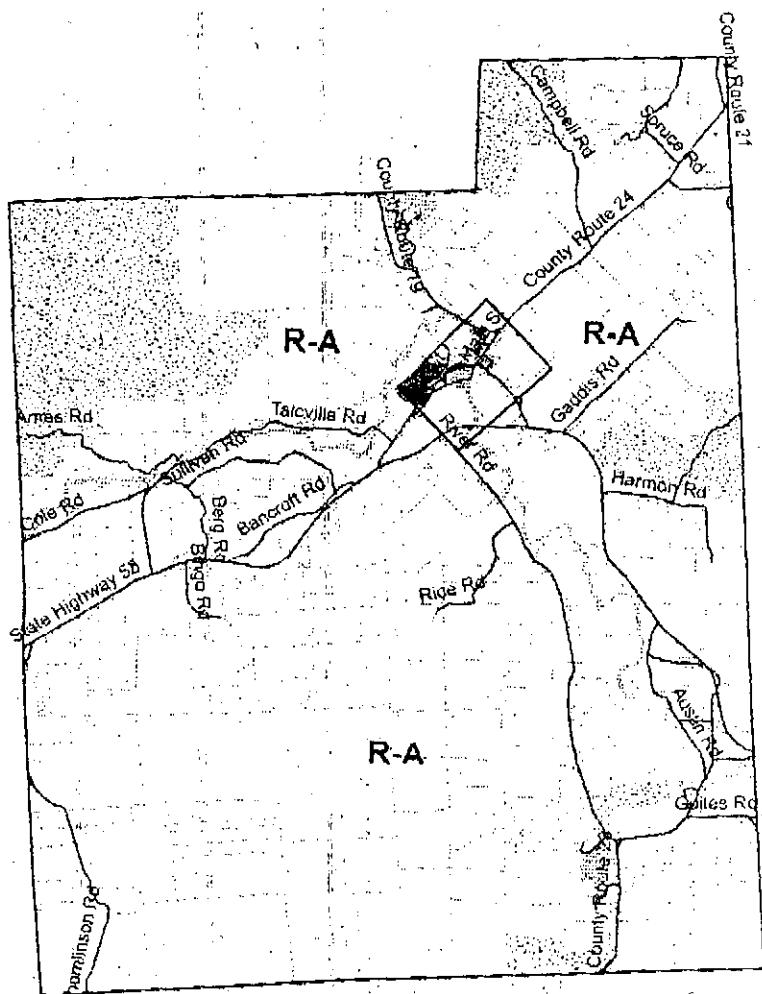


Residential-Agricultural (R-A)



Map Prepared by the
St. Lawrence County Planning Office
October 2014

G:\ArcGIS\Edwards\NYSP83\2014zoningmap.mxd



Wind overlay

R-A

2015

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 12 of 2014 of the Town of Edwards was duly passed by the Town Board on December 10, 2014, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20_____
Of the (County)(City)(Town)(Village) of _____ was duly passed by
the _____ on _____, 20_____, and was (approved)(not
(Name of Legislative Body)

disapproved)(repassed after disapproval) by the _____ and _____

disapproved)(repassed after disapproval) by the _____ and
(Elective Chief Executive Officer*)
was deemed duly adopted on _____, 20____, in accordance with the applicable
provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____
of the Town of _____ was duly passed by the _____ on _____, 20_____

(Name of Legislative Body)

and was approved by the _____ on _____, 20____.

(Elective Chief Executive Officer*).

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____,
of the (County)(City)(Town)(Village) of _____ was duly passed by
the _____ on _____, 20_____, and was (approved)(not
(Name of Legislative Body)

disapproved)(repassed after disapproval) by the

the _____
(Elective Chief Executive Officer*)

_____, 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20_____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____, of the City of _____, having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

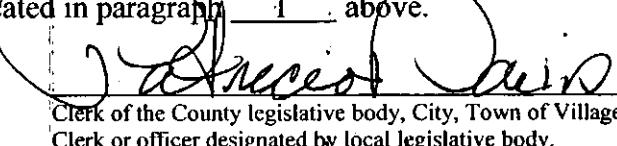
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____ 1 ____ above.

(Seal)


Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body.

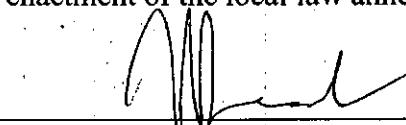
Patricia Davis

Date: 18/10/14

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
)
)ss
 COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Henry J. Leader, Esq.

Town Attorney

Town of Edwards

Date: December 15, 2014