

ARTICLE VI
REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

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SECTION 600 - SIGN REQUIREMENTS

- A. All signs within the Town of Clarendon shall comply with the general sign standards listed below.
 - 1. Signs may be illuminated but no sign shall consist of lights which flash or move or appear to move.
 - 2. No sign shall be higher than the principal building to which it is an accessory.
 - 3. No general advertising sign unrelated to the use of the premises is allowed.
 - 4. No sign shall be located in, project into or project over a public right-of-way.
 - 5. No more than one sign is permitted per site.
 - 6. All signs lawfully existing at the time of enactment of this Ordinance shall be allowed to remain provided they are properly maintained, their uses remain current, and they do not create a public hazard.

- B. Business/Commercial, Industrial and Agricultural uses may have a free standing sign not to exceed 20 square feet and a sign on the building not to exceed 5 percent of the front facade of the building.

- C. Home Occupation signs shall not exceed six square feet in size.

- D. Non-Profit Organizations may advertise non-profit events using temporary signs for a period of up to forty (40) days prior to the event. Such signs shall be removed within forty-eight (48) hours after the event is complete.

- E. Temporary signs that advertise the work of contractors (such as driveway sealing, roofing, siding, painting, etc.) may be placed at a job site no sooner than the start date of work, and shall be allowed to remain at the job site for a maximum period of thirty (30) days. Such signs shall not exceed six square feet in size.

SECTION 601 - PERMITTED USES/ACCESSORY USES (Rev.11/20/2012; 2020)

- A. Except as expressly authorized herein, no more than one principal use and accessory uses thereto, shall be permitted on any lot. (6/19/2007)

- B. An Accessory Building or Structure may be allowed to be placed on a lot without a residence provided the following conditions are met.
 - 1. The accessory structure is for personal use by the owner. No renting or subletting shall be permitted
 - 2. All exterior areas of the property and premises shall be maintained in accordance with the latest edition of the Property Maintenance Code of New York State. (Rev. 09/18/2018)

- C. Permitted uses/Permitted Accessory uses shall comply with the setback requirements and all regulations applicable to the zoning district in which it is located. In addition, they shall comply with any other setback requirements specific to the intended use which may be otherwise specified in this Ordinance. (Rev. 09/18/2018; 2020)

- D. Mixed use occupancies may be allowed to be placed on a single lot provided the following conditions

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are met:

1. They are located in a building or complex of buildings under one contiguous roof (strip mall).
2. They are an allowed use in the zoning district where they are proposed.
3. They conform to the minimum dimensional requirements for the use in the zoning district where they are proposed.
4. A site plan review has been conducted by the Planning Board and an appropriate Zoning Permit has been granted.

**SECTION 605 - OFF-STREET PARKING AREAS AND RELATED DRIVEWAYS
(Excluding one and two family dwellings)**

- A. Off-street parking areas and related driveways constructed within the Town of Clarendon (except those associated with one and two family dwellings) shall conform to the following standards unless otherwise specified in this Ordinance.
1. No off-street parking areas shall be located less than 25 feet from any property line or within required buffer strips.
 2. All off-street parking areas shall have an asphalt and/or concrete surface unless otherwise determined by the Planning Board during the site plan review process. All surfaces shall be maintained in a smooth, uniform condition. Each individual parking space shall be identified by painted surface markings which are readily identifiable at all times. Each individual parking space shall have a minimum rectangular dimension of 10 feet by 20 feet.
 3. All off-street parking areas shall have designated fire lanes which are identified by painted surface markings which are readily identifiable at all times.
 4. All off-street parking areas shall be used exclusively for the parking of operable and legally registered passenger vehicles belonging to residents and guests. At no time shall any off-street parking area be used for the storage of materials or the repair or sale of any type of motor vehicle.
 5. All off-street parking areas shall provide a peripheral area for snow storage.
 6. All off-street parking areas shall provide for the proper drainage of surface water, and no surface water shall be allowed to drain onto adjacent properties or sidewalks. All water drainage systems shall be kept in a clean and proper working order.
- B. Driveways shall conform to the following standards, unless otherwise specified in this Ordinance:
1. All driveways shall be located so that vehicles can enter and exit the driveway without posing any substantial danger to themselves, pedestrians, or other vehicles; and do not cause substantial interference with the free flow of traffic on abutting streets.
 2. No driveway shall be located less than 200 feet from an intersection of public streets or less than 25 feet from any property line.
 3. No driveway shall be less than 25 feet in pavement width.
 4. To the extent practicable, off-street parking areas shall be served by one driveway. If more than one driveway is determined to be necessary, the minimum distance between driveways shall be 200 feet, measured in a straight line between the two closest driveway edges.
 5. All driveways shall have an asphalt and/or concrete surface unless otherwise determined by the Planning Board during the site plan review process. Driveways shall provide adequate drainage and be maintained in a smooth, uniform condition.

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6. The layout of driveways and parking areas shall provide for the adequate ingress/egress of emergency equipment, service delivery vehicles, refuse collection vehicles and snow removal vehicles.
- C. Turn around areas shall conform to the following standards, unless otherwise specified in this Ordinance:
1. All off-street parking areas and driveways shall include sufficient turn-around areas so that no vehicles are required to back onto a public street. Turn-around areas shall have an asphalt and/or concrete surface unless otherwise determined by the Planning Board during the site plan review process. Turn around areas shall be maintained in a smooth, uniform condition.
- D. Parking spaces shall be provided as indicated below, unless otherwise specified in this Ordinance:
1. The following uses shall provide one off-street parking space for each employee on the maximum work shift, and one parking space for every 100 square feet of gross floor area: Restaurant; Tavern; Nursery/Garden Center; Farm and Garden Implement Store.
 2. The following uses shall provide one off-street parking space for each employee on the maximum work shift, and one parking space for every 200 square feet of gross floor area: Retail Business; Service Business; Professional Office; Public Facilities; Retail Fuel Outlet; Recreational Center; Agri-Business; Cold Storage Facility; Food Processing/Bottling Facility; Product Assembly Facility; Product Fabrication Facility; Storage Facility; Warehouse/Distribution Facility; Cosmetic Production Facility; Scientific Research Facility.
 3. The following uses shall provide one off-street parking space for each employee on the maximum work shift, and one parking space for every two children or adults in care: Child Day Care Center; Adult Day Care Center.
 4. The following uses shall provide one off-street parking space for each employee on the maximum work shift, and one parking space for every three storage spaces or storage units provided: Storage Facility.
 5. The following uses shall provide one off-street parking space for each employee on the maximum work shift, and one parking space for every room available for occupancy: Hotel/Motel.
- E. Miscellaneous Requirements:
1. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to park on the pavement and/or shoulder of public highways.
 2. A violation of this provision is constituted by an observed overload of parking to off-site areas, neighboring properties or the highway right-of-way more than three times per month.
 3. A parking space shall not be less than ten (10) feet by twenty (20) feet, exclusive of access-ways and driveways. Single family residences need not exclude driveway area.
 4. Off-street parking areas shall not include any parking meters.
 5. All off-street parking areas, parking spaces, access isles, sidewalk curb ramps, sidewalks, markings, signage and other related facilities shall be in strict conformance

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with the Americans with Disabilities Act (ADA), including the ADA document entitled Accessibility Guidelines for Buildings and Facilities.

6. Unless contrary to the requirements found in this section, any street that must be constructed to service a use shall meet the requirements of the most current ordinance, law, rule or regulation pertaining to Design Criteria and Construction Specifications for Land Development in the Town of Clarendon (i.e. - Subdivision Regulations).

SECTION 606 - OFF-STREET LOADING AREAS

- A. Off-street loading areas constructed within the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance:
 1. A minimum of one off-street loading area shall be provided for every three thousand (3000) square feet of gross floor area.
 2. No off-street loading areas shall be located within required buffer strips or within 50 feet of any property line.
 3. All off-street loading areas shall have an asphalt and/or concrete surface unless otherwise determined by the Planning Board during the site plan review process. Loading area surfaces shall be maintained in a smooth, uniform condition. Each individual loading space shall be identified by painted surface markings which are readily identifiable at all times. Each individual loading space shall have a minimum rectangular dimension of 25 feet by 70 feet.
 4. All off-street loading areas shall provide a peripheral area for snow storage.
 5. All off-street loading areas shall provide for the proper drainage of surface water, and no surface water shall be allowed to drain onto adjacent properties or sidewalks. All water drainage systems shall be kept in a clean and proper working order.

SECTION 607 RESIDENTIAL DRIVEWAYS

- A. All driveways servicing one and two family dwellings constructed within the Town of Clarendon shall conform to the following standards unless otherwise specified in this ordinance.
 1. Driveways shall be located and maintained so that vehicles can enter and exit the driveway without posing a substantial danger to themselves, pedestrians, or other vehicles; and do not cause substantial interference with the free flow of traffic on abutting streets, roads or highways.
 2. Driveways shall be a minimum of twelve (12) feet in width.
 3. Driveways shall be provided with a turn-around.
 4. Driveways (including turn-around) shall have a minimum of nine (9) inches of rolled and compacted crushed stone pavement base.
 5. Driveways shall be designed and constructed to provide proper drainage and to prevent the pooling of water on the driveway surface.
 6. Driveway grade changes shall be designed to prevent undercarriage damage.
- B. All driveways in excess of one hundred fifty (150) feet from the road (as measured from the center of the road) shall, in addition, comply with the following requirements;

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1. Any structure, bridge, culvert etc. located within the driveway path shall be capable of bearing a minimum weight of 45,000 pounds (22.5) tons).
 2. A minimum side clearance of fifteen (15) feet (7.5 feet each side from centerline of driveway) shall be maintained over the entire length of the driveway. This clearance path shall include gates, fences, structures, vegetation or any other obstruction.
 3. A minimum vertical clearance of fifteen (15) feet shall also be maintained over the entire length of the driveway. This vertical clearance path shall include tree limbs, overhead wires, structures, or any other obstruction.
 4. All curves or turns in the driveway shall have a radius sufficient to permit the safe unobstructed passage of emergency vehicles.
- C. A private drive shall, in addition to any turnaround required in other parts of this section, provide a common turnaround, either a cul-de-sac or a “tee-type” (see Subdivision Regulations, Appendix II for details).
(Rev. 6/19/2007)

SECTION 608- FLAG LOTS *(Rev. 09/18/2018)*

A. PURPOSE: Whereas, failure of compliance to the zoning regulations could create unreasonable building lot configurations, and whereas unregulated flag lots can have serious impact on land development, traffic, emergency access, fire protection and overall character of a neighborhood, the Planning Board has the discretion to approve residential flag lots within minor or major subdivisions within all zoning districts which permit residential uses.

B. All Flag lots shall be subject to Subdivision review by the Planning Board and shall conform to all standards set by the latest Zoning Ordinance and the Subdivision Regulations of the Town of Clarendon.

C. Miscellaneous Requirements:

1. Exclusive of the flagpole portion, the flag portion of the lot shall meet all minimum dimensional specifications for the zoning district in which it is located. Exception: There shall be no front yard frontage requirements. (See Article V-DISTRICT REGULATIONS).
2. A minimum flagpole frontage of 30 feet shall be provided; however, the Planning Board may require that the minimum flagpole width be increased on a parcel that is 10 acres in size or larger where it finds that the lot has the potential to be further subdivided.
3. No structure or accessory structure shall occupy any part of the flagpole portion of the lot.
4. Driveways for flag lots shall comply with Article VI, Section 607- RESIDENTIAL DRIVEWAYS of the Zoning Ordinance, and ARTICLE V- GENERAL REQUIREMENTS AND DESIGN STANDARDS of the Subdivision regulations.
5. The need for buffering shall be determined by the Planning Board as part of the Site Plan review.
- 6.. The minimum building setback line shall be no closer to the flagpole than 25 feet.

SECTION 609 - BUFFER

- A. The need for and the type of buffer, including but not limited to: fencing, buffer strip,

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additional setbacks, screening, sound proofing or any other means necessary to ensure compatibility and the health and welfare of adjoining properties shall be determined by The Planning Board as part of the Site Plan review process.

- B. Fences used as a buffer shall conform to the standards of Section 610 of this Article unless otherwise specified in this Ordinance.
- C. Buffer strips shall conform to the standards of Section 611 of this Article unless otherwise specified in this Ordinance.

(Rev. 6/19/2007)

SECTION 610 - FENCES

- A. Fences erected in the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance.
 - 1. Fences may be erected, altered, or reconstructed to a height not exceeding six (6) feet for residential uses and ten (10) feet for non-residential uses. Fence heights shall be measured at the highest point of ground directly below the fence.
 - 2. No fence shall cause obstruction to vision at street intersections.
 - 3. Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon adjoining properties.
 - 4. The finished side (good side) of any fence shall face adjoining properties. Fence posts shall face in and away from any adjoining lots or property owned by others.
 - 5. The use of barb-wire fencing or the electrification of any fence within residential neighborhoods shall be prohibited, except when such fences are specifically designed and installed for agricultural purposes.

SECTION 611 - BUFFER STRIPS

- A. All buffer strips required to be constructed within the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance:
 - 1. Buffer strips shall have a minimum width of 25 feet and may be in addition to any required setback as determined by the Planning Board during the site plan review process.
 - 2. Buffer strips shall be adequately planted and maintained to provide a visual screen. Existing, mature vegetation shall be preserved and incorporated into buffer strips to the fullest extent practicable.
 - 3. At no time shall any principal or accessory building, structure, driveway, parking area or other use encroach into a buffer strip.

SECTION 612 - MOTOR VEHICLES

SEE LOCAL LAW NO. 3 OF THE YEAR 1997 and LOCAL LAW NO. 3 OF THE YEAR 2007:
Regulating the Outside Storage of Unlicensed Vehicles in the Town of Clarendon.

(Rev. 8/19/2008; Rev.09/18/2018)

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SECTION 613 – JUNK. DEBRIS.

SEE LOCAL LAW NO.1 OF THE YEAR 2015 as adopted by the Town Board on 3/17/2015:
Regulating the Outside Storage of Junk Materials in the Town of Clarendon. (Rev.09/18/2018;
08/20/2019)

SECTION 614 - REFUSE AND RECYCLING CONTAINERS

- A. All commercial refuse and recycling containers within the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance:
1. Commercial refuse and recycling containers (such as dumpsters) shall be placed on concrete pads and completely surrounded by an opaque enclosure with an opaque gate.
 2. The height of the gated enclosure shall be a minimum of two feet above the highest point of the container. Enclosures shall be located a minimum of 50 feet from any property line, and shall incorporate building materials and colors that match the architecture of the principal building or structure on the lot.
 3. Commercial containers shall have a top or lid which closes completely and is proper working order at all times.

SECTION 615 - LANDSCAPING

- A. All landscaping required to be installed within the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance:
1. The lot shall be appropriately landscaped with a mixture of trees and shrubs to enhance the visual environment of the lot.
 2. All plants shall be maintained in a healthy growing condition and controlled by pruning, trimming or other suitable methods so the plants do not interfere with utilities, pedestrian and vehicular circulation, or otherwise create a traffic hazard.
 3. Where any tree or shrub which was required as part of an approved site plan is removed, such tree or shrub shall be immediately replaced with an equivalent tree or shrub.

SECTION 620 - IMPROPER SEWAGE DISPOSAL

The improper disposal of sewage, including the discharge of sewage into a ditch, road, stream, lake, or onto adjacent property is prohibited.

SECTION 621 - DISPOSAL OF SURPLUS MATERIAL

The disposal of surplus sludge, slurries, sediments, residues, used tires or tire products, medical wastes, and microbiological products is prohibited, unless otherwise authorized by the Town Board.

SECTION 622 - EMERGENCY HOUSING

- A. The Code Enforcement Officer is authorized to issue a Temporary Emergency Housing

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Permit when a principal residential dwelling is deemed uninhabitable by local, state or federal authorities due to fuel spills, fire, or other similar environmental or natural disasters.

- B. A Temporary Emergency Housing Permit shall have a term of four (4) consecutive months, and shall be renewed up to a maximum of two times at the discretion of the CEO. Each renewal shall be four (4) consecutive months in duration. Individual mobile/manufactured homes or other types of housing units approved by the CEO shall be allowed to be used as emergency housing.

- C. The Temporary Emergency Housing Permit shall be issued by the CEO only if the following conditions are complied with in full:
 - 1. The emergency housing is connected to a Health Department approved water supply system (water line, holding tank, etc.) and a Health Department approved sewage disposal system (holding tank, leach field, etc.)
 - 2. A bond in the amount of \$5000 shall be posted by the applicant to assure the emergency condition is promptly corrected and to assure the immediate removal of the temporary housing unit from the property upon correction of the emergency condition.
 - 3. Issuance of a building permit and certificate of occupancy by the CEO and payment of all required fees.

SECTION 625 - UNSAFE BUILDINGS AND COLLAPSED STRUCTURES

- A. PURPOSE - It is recognized that buildings made unsafe as a consequence of damage by natural elements, fire, age or general deterioration and structures that have collapsed as a consequence of neglect, deterioration or damage, pose a serious threat to life and property in the Town of Clarendon. It is the purpose of this section to promote the health, safety and general welfare of persons and property in the Town of Clarendon by requiring that any such unsafe building or collapsed structure be repaired or demolished and removed.
 - 1. Any persons in violation of the provisions of this section prior to the effective date of the Ordinance shall have six (6) months from the date this Ordinance goes into effect to comply with the requirements of this section. Upon the failure of such person to do so, they shall be deemed to be in violation of this Ordinance, and shall be subject to the procedures and penalties set forth herein.

- B. ENFORCEMENT PROCEDURE
 - 1. Investigation and Report - The Code Enforcement Officer shall cause or make inspection thereof and report in writing to the Town Board his/her findings and

Article VI; Adopted 08/23/2005; Rev 2020 9

recommendations in regard to its repair or demolition and removal, when in the opinion of the Code Enforcement Officer or upon receipt of information that a building:

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- a. Is dangerous or unsafe to the general public;
 - b. Is open at the doorways or windows making it accessible and an object of attraction to minors under the age of eighteen, as well as to vagrants and other trespassers;
 - c. Is a place of rodent infestation;
 - d. Presents any other danger to the health, safety, moral and general welfare of the public; or
 - e. Is unfit for the purposes for which it may lawfully be used.
2. Town Board Order - The Town Board shall thereafter consider such report and by Resolution, determine if, in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons in the manner provided herein.
3. Content of the Notice - The Notice shall contain the following:
- a. A description of the premises.
 - b. A statement of the particulars in which the building is unsafe or dangerous.
 - c. An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.
 - d. A statement that a hearing will be held before the Town Board at a specified time and place and upon a minimum of fifteen (15) days notice, for the purpose of affording the owner or such other person who is entitled to notice, pursuant to the provisions of this Section, the opportunity to be heard in opposition of the order.
 - e. A statement that the securing or removal of such building shall commence within thirty (30) days after such hearing, or within thirty (30) days after notice of default has been served if the owner or such other person who is served with notice does not appear at the hearing, and shall be completed within sixty (60) days after notice of default has been served, unless for good cause shown, such time shall be extended.
 - f. A statement that in the event of neglect or refusal of the person so served with the notice to Comply with the same, within the time periods specified in such notice, the Town of Clarendon will repair and secure, or demolish and remove, the offending building and all charges incurred by the Town of Clarendon in connection with the same will be assessed in accordance with the provisions of this Section.
4. Service of the Notice - The Notice shall be served as follows:
- a. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe buildings as shown by the records of the receiver of taxes or the County Clerk, or if no such person can be reasonably found;
 - b. By mailing to such owner or other persons by registered mail, a copy of such notice directed to his last known address as shown by the above records; and
 - c. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and
 - d. By securely affixing a copy of such notice upon the unsafe building.

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5. Filing of the Notice - A copy of such notice shall be filed in the office of the County Clerk of the county in which such building or structure is located, which notice shall be filed by such Clerk in the same manner as a Notice of Pendency pursuant to Article 65 of the Civil Practice Laws and Rules, and shall have the same effect as a Notice of Pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one (1) year from the date of filing, provided however, that it may be vacated upon the order of the Town Attorney. The Clerk of the County where such notice is filed shall mark such notice and any record or docket thereof as the presentation and filing of such consent or a certified copy of such order.

C. ASSESSMENT OF EXPENSES - All expenses incurred by the Town in connection with the proceedings to repair and secure or to demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

D. EMERGENCY CASES - When it appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the notice required by this Section shall, in lieu of the requirements of Section 625, Subparagraph B, Sections 4 and 5 hereof, direct the owner or such other person as may be entitled to notice thereof to immediately repair and secure or demolish the unsafe building. Upon failure or refusal of such owner or other person to repair or demolish such building within seventy-two (72) hours after service of such notice, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the unsafe building to be repaired or demolished. The expense of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 625, Subparagraph C hereof.

E. ADDITIONAL PROVISIONS AND REQUIREMENTS - Any persons in violation of the provisions of this section prior to the effective date of this Ordinance shall have six (6) months from the date this Ordinance goes into effect, to comply with the requirements of this Section. Upon failure of such person to do so, he/she shall be deemed to be in violation of this Ordinance, and he/she shall be subject to the procedures and penalties set forth herein.

SECTION 626 - DEMOLITION PERMITS

All demolition permits will be issued by the Town of Clarendon Code Enforcement Officer (CEO). Demolition permits shall expire one (1) year from the date of issue.

SECTION 630 - INDIVIDUAL MOBILE/MANUFACTURED HOMES

A. The following standards are applicable to all mobile/manufactured homes within the Town

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of Clarendon:

1. No mobile/manufactured home, except those on lots presently occupied by a mobile/manufactured home or in an approved mobile/manufactured home park, shall be allowed in the Town of Clarendon. *Exception:* Mobile/Manufactured homes used for farm worker housing on an active farm located in a State Certified Agricultural District which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests.
(Rev. 8/19/2008)
2. Only mobile/manufactured homes manufactured after the implementation of the Housing and Community Development Act (June 16, 1976) shall hereafter be placed in the Town of Clarendon.
3. Mobile/manufactured homes placed in the Town of Clarendon shall not be less than twenty (20) feet in width nor less than 850 square feet by measure of its exterior dimension.
4. A storage shed must be located on each mobile/manufactured home lot within six (6) months after the mobile/manufactured home is placed on the lot. The shed will provide necessary storage space to compensate for the units lack of an attic or basement.
5. Every mobile/manufactured home shall be placed on a permanent slab foundation. All permanent slab foundations shall be constructed of either poured concrete or concrete blocks, constructed in accordance with the requirements of the Building Code of New York State.
6. The area between the base of the mobile/manufactured home and the ground shall be enclosed with metal, wood or vinyl skirting, unless the mobile/manufactured home is placed on a block wall foundation, or a poured concrete foundation. This enclosure must be completed with ninety (90) days after placement of the mobile/manufactured home on the site.
7. Mobile/manufactured homes shall comply with all applicable provisions of this Ordinance pertaining to One Family Dwellings.
8. For the purposes of this Ordinance, double wide mobile/manufactured homes shall be considered and regulated the same as single wide mobile/manufactured homes.
9. Any mobile/manufactured home on an individual lot that remains uninhabited for a period in excess of one (1) year shall lose its status as a mobile/manufactured home and the premises shall revert to a residential lot.
10. Any individual mobile/manufactured home that is installed as a replacement for an existing approved individual mobile/manufactured home shall have been manufactured within 10 years of the year of replacement.

SECTION 631 – FARM WORKER HOUSING

- A. All Farm Worker Housing installed within the Town Of Clarendon is subject to the following conditions:
 1. Site Plan Review and Building Permit approval.
 2. Periodic review by the Town of Clarendon Code Enforcement Officer (CEO).
 3. Annual certification in writing by the owner of the farm to the Town of Clarendon Code Enforcement Officer (CEO) that the resident(s) of the Farm Worker Housing is either a full-time worker or works at least fifty one (51) percent of the time on the farm on which

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- said housing is located.
4. Compliance with Town of Clarendon Zoning Ordinance, Orleans County Health Department, and all applicable State and Federal regulations.
 - B. The minimum front, side and rear setbacks for Farm Worker Housing shall comply with the dimensional requirements established for Zoning District that it is located within.
 - C. The minimum lot shall be of adequate size to accommodate required separation between a well and the waste water disposal system. Adequacy of well (if used) to supply anticipated demand and the design of waste water disposal system shall be approved by the Orleans County Health Department.
 - D. The minimum square foot dimensional requirements for structures used for Farm Worker Housing shall comply with requirements set forth in the New York Codes, Rules and 6 Regulations (NYCRR), Title 10, Section 15.6.
 - E. Mobile/Manufactured homes used for Farm Worker Housing shall either carry a certifying label and data plate or shall provide certification that they have been inspected and are structurally sound and free of heating and electrical system hazards per Residential Code of New York State, AE 102.6.
 - F. Farm Worker Housing may not be rented to persons not primarily employed on the farm on which it is located.
 - G. Mobile/Manufactured homes utilized for Farm Worker Housing that have not been occupied for that use for a period of three (3) years shall be removed from the property.
(Rev. 8/19/2008)

SECTION 634 - CODE REGULATIONS *(rev 08/20/2019)*

- A. All structures constructed in the Town of Clarendon after the effective date of this Ordinance shall conform to requirements in the latest edition of the following:
 1. International Building Code
 2. International Residential Code
 3. International Existing Building Code
 4. International Fire Code
 5. International Plumbing Code
 6. International Mechanical Code
 7. International Fuel Gas Code
 8. International Property Maintenance Code
 9. Uniform Support Code
 10. National Fire Protection Agency
 11. National Electrical Code
- B. An electrical inspection, performed by an electrical inspection agency approved by the Town of Clarendon, is required on all additions to structures, garages, barns and accessory buildings.
- C. All residential structures hereafter constructed in the Town of Clarendon shall have a properly

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functioning sewage disposal system.

SECTION 635 - STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

- A. The State Environmental Quality Review Act (SEQRA) requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Title 6 NYCRR Part 617 are hereby adopted by reference.
- B. All applications require the submission of an Environmental Assessment Form.
- C. The following municipal bodies shall be lead agency for the purposes of SEQRA, unless otherwise determined by the Town Board:
 - 1. Zoning Text Amendments - Town Board
 - 2. Zoning District Amendments - Town Board
 - 3. Special Permits - Planning Board
 - 4. Site Plan Review - Planning Board
 - 5. Area Variance - Zoning Board of Appeals
 - 6. Use Variance - Zoning Board of Appeals
- D. If 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. Review, notice and action on the Environmental Impact Statement shall be conducted according to Title 6 NYCRR Part 617.

SECTION 636 – TRAILER, TRAVEL/CAMPER/RECREATIONAL VEHICLE
(Rev. 11/20/2012; 09/15/2015)

- A. Travel trailers, campers and recreational vehicles shall not be used in Lieu of permanent storage, nor shall they be used in lieu of a permanent residence.
- B. Travel trailers, campers, and recreational vehicles lawfully located within an approved campground, or where permitted as a seasonal dwelling, may be occupied for a period not to exceed 180 days per calendar year. (Rev. 6/19/2007).
- C. Travel trailers, campers, and recreational vehicles lawfully located on a private lot may be occupied on an overnight basis for a period not to exceed 30 days per calendar year.
- D. No more than two travel trailers, campers and recreational vehicles shall be parked on a private lot at the same time.
- E. Travel trailers ,campers and recreational vehicles lawfully located on a private lot shall be positioned in the side yard or rear yard of the lot.

Article VI; Adopted 08/23/2005; Rev 2020

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- F. Travel trailers, campers and recreational vehicles lawfully located on a private lot shall comply with the setbacks required for residential buildings in the respective zoning district.

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- G. All Travel trailers, campers and recreational vehicles occupied on an overnight basis shall be equipped with self-contained potable water and sanitary sewage collection.
- H. No “gray water” or sewage shall be drained or dumped from any camper except into such collection vehicles or septic disposal systems approved by the Orleans County Health Department for such purpose.
- I. All Travel trailers, campers and recreational vehicles shall maintain and display a current license/registration/inspection as required by the State of New York.
- J. No skirting, permanent tie downs, attachments to permanent buildings, attachment to a permanent foundation, electrical supply, water supply, natural gas, or septic system shall be allowed for Travel trailers, campers and recreational vehicles lawfully located on a private lot.
- K. No Travel trailers, campers, and recreational vehicles shall park or remain parked on any public thoroughfare within the Town of Clarendon for a period to exceed four (4) hours.
- L. The Ordinance Inspection Officer has the authority to issue a letter of non-compliance/hardship for sub-sections D, E and F of this Section 636.

SECTION 637 - TRAILER, SEMI

- A. Trailers shall not be used in lieu of permanent storage.
- B. Trailers intended for the temporary storage of materials, part, or goods as part of a permitted construction project shall be allowed. Such trailers shall be removed from the premises within 30 working days of the issuance of the Certificate of Occupancy.

SECTION 638 – PORTABLE STORAGE CONTAINERS

- A. Portable Storage Containers shall not be used in lieu of permanent storage.
- B. No more than one Portable Storage Container shall be allowed on a lot of record and for no more than a total of thirty (30) days in any Consecutive twelve (12) month period.
- C. No Portable Storage Container shall be allowed on a lot of record where there is no principal structure.
- D. Portable containers used as part of a permitted construction project shall be allowed. Such containers shall be removed from the premises within thirty (30) working days of the issuance of the Certificate of Occupancy.
- E. Unless approved in writing by the Code Enforcement Officer the location of a Portable Storage Container shall comply with the setback requirements for the zoning district in which it is located. At no time shall a Portable Storage Container be situated on any lot

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where its placement would impair or obstruct visual sight line to any public thoroughfare.

(Rev. 6/19/2007)

SECTION 639 - Single Family Dwelling, Garage

- A. Each Single Family Dwelling constructed within the Town of Clarendon Shall provide sufficient space to accommodate future construction of a two car garage.
- B. Space provided for a future two car garage shall be sufficient to maintain minimum setback specifications for the land use district in which it is located.

(Rev. 6/19/2007)

SECTION 640 - MINIMUM FLOOR AREA REQUIREMENTS

- A. Dwellings hereafter erected in the Town of Clarendon shall meet the following minimum floor area requirements:
 - 1. One story dwellings shall contain a minimum of eight hundred fifty (850) square feet of habitable ground floor area.
 - 2. One and one-half story dwellings shall contain a minimum of seven hundred (700) square feet of habitable ground floor area.
 - 3. Two story dwellings shall contain a minimum of six hundred (600) square feet of habitable ground floor area.
- B. The provisions of this section shall not apply to structures used for Farm Worker Housing on an active farm located in a State Certified Agricultural District which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests. *(Rev. 8/19/2008)*

SECTION 641 - BUILDING HEIGHTS

- A. Principal buildings or structures shall not exceed two stories or 35 feet in height above grade, including special architectural elements such as chimneys, cupolas or spires, unless otherwise specified in this Ordinance.
- B. Accessory buildings or structures shall not exceed 20 feet in height above grade, unless otherwise specified in this Ordinance.

SECTION 642 - EXTERIOR FINISHES

- A. The architectural treatment and general appearance of all new principal and accessory buildings shall be of such quality and materials so as to be a visual asset to the area in which they are located.
- B. The Planning Board shall consider all exterior building material selections as part of the site plan review process and shall be the final arbiter.

SECTION 643 - EXTERIOR LIGHTING

- A. All exterior lighting required to be erected within the Town of Clarendon shall conform to the following standards unless otherwise specified in this Ordinance:
 - 1. All driveways, parking areas, sidewalks and other common use areas or facilities shall be sufficiently illuminated to ensure the security of the property and the safety of the public.
 - 2. Lighting fixtures shall be sited so that light or glare are not directly cast upon adjacent properties or cause substantial interference with the use or enjoyment of neighboring properties.

SECTION 644 - SITE LAYOUT AND PRESERVATION OF NATURAL FEATURES

- A. To the fullest extent practicable, all new buildings and parking areas constructed in the Town of Clarendon shall be oriented toward the interior rather than the periphery of the lot so that green space abuts adjacent properties.
- B. To the fullest extent practicable, all new buildings and parking areas shall be designed to minimize land grading and to preserve the natural topography and features on the site (such as trees, streams, wetlands and historic features).
- C. All blue line streams shall remain in their natural state and shall not be piped, except for necessary driveway crossings. All principal and accessory buildings, structures, driveways, parking areas, or other uses shall be set back a minimum of 30 feet from the top of any stream bank.

SECTION 645 - PERFORMANCE STANDARDS

- A. All uses established in the Town of Clarendon shall comply with the following performance standards:
 - 1. Decency - No use or operation shall produce, display, sell, transmit or broadcast lewd, indecent, immoral or illegal acts, or deviant behavior or sexual activities appealing to prurient interests. It is hereby declared that such uses and activities offend the contemporary community standards of the Town of Clarendon.
 - 2. Sound - No use or operation shall produce or emit sound in such volume and/or frequency as to become a public nuisance or hazard beyond the property lines.
 - 3. Radioactivity - No use or operation shall produce or emit radioactive radiation in violation of the U.S. Nuclear Regulatory Commission Standards for Protection Against Radiation (Title 10 CFR Part 20) and all applicable regulations of the State of New York.
 - 4. Odor - No use or operation shall produce or emit odorous gases or other odorous matter in such quantity as to be readily detectable at any point beyond the property lines without the use of measuring devices or instruments.
 - 5. Toxic or Noxious Matter - No use or operation shall produce or emit toxic or noxious matter in such quantity as to be readily detectable at any point beyond the property lines, or in such quantity as to cause injury or damage to property or become detrimental or

- dangerous to public health, safety, comfort or welfare.
6. Glare - No use or operation shall direct or reflect glare in such quantity as to be readily detectable at any point beyond the property lines.
 7. Dust and Fly Ash - No use or operation shall produce or emit solid or liquid particles in such quantity as to be readily detectable at any point beyond the property lines or to become a public nuisance or hazard beyond the property lines.
 8. Smoke - No use or operation shall produce or emit smoke in such quantity as to become a public nuisance or hazard beyond the property lines.

SECTION 650 - NON-CONFORMING USES, LOTS AND STRUCTURES

- A. It is the intent of this Zoning Ordinance to permit Non-Conforming uses to continue until they are removed but not to encourage their survival. A change of ownership of a Non-Conforming Use, Lot or Structure shall not affect its right to continue the use.
(Rev 11/16/2010)
- B. Any use of land or structure, which use was lawful at the time of the effective date of this Ordinance, may be continued; provided, however, that such use shall have continued in operation, does not constitute a nuisance and shall not be enlarged, altered or changed in area, activity or content during its continuance subject to the following provisions:
 1. Enlargement – USE or STRUCTURE: No use or structure on a No non-conforming lot of record shall be enlarged or increased, nor extended to occupy a greater area of land, than was occupied at the effective date of this Ordinance.
LOT: Nothing shall prevent a Non-Conforming Lot of record from being enlarged or increased to occupy a greater area of land than was occupied at the effective date of this Ordinance. If the lot size increases sufficiently to comply with the required land area requirements, the Non-Conforming status will be discontinued.
(Rev.09/18/2018)
 2. Alterations - A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50) percent of the full value of the structure, unless the structure is changed to a conforming use.
 3. Structures Under Construction – Any building or structure for which construction was begun prior to the effective date of this Law, or any subsequent applicable amendment, may be completed and used in accordance with the plans and specifications submitted for the building or structure provided that their construction is completed within one (1) year after the effective date of this Ordinance.
 4. Reconstruction - Any structure containing a non-conforming use which has been wholly or partially destroyed by means other than intent or design may be reconstructed or repaired within one (1) year thereafter for the designated non-conforming use existing prior to the event.
 5. Discontinuance – Whenever a non-conforming use has been discontinued for a period of one (1) year by the existing owner of such non-conforming use it shall not thereafter be re-established and any future use shall be in conformity with the provisions set forth in this Zoning Ordinance.
 6. Changes - Once changed to a conforming use, no structure or land so changed

shall be permitted to revert to a non-conforming use.

7. Displacement - No non-conforming use shall be extended to displace a conforming use.
8. Moving - Should any structure be moved for any reason for any distance, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

(Rev 11/16/2010)

C. Issuance of a Certificate of Non-Conformance for Existing Undersized Lots and Structures shall apply to the property of Record. Any non-conforming lot which was lawful at the time of the effective date of this Ordinance but does not comply with all the provisions of this Ordinance may be continued in use.

1. No building permit shall be issued for the construction of any structure upon any Non-Conforming lot within any zoning district, which structure cannot comply with the current dimensional setback standards and requirements of such district.
2. Issuance of a Certificate of Non-Conformance for a specific Use shall apply only to the property owner of Record. Any subsequent sale and transfer of ownership shall require a review, approval and re-issuance of the Certificate by the Town Board to the new owner.

(rev 11/16/2010)

SECTION 655 – SWIMMING POOLS, HOT TUBS, SPAS & FIXED-IN-PLACE WADING POOLS

- A. Swimming Pools, Hot Tubs, Spas, and fixed-in-place Wading pools may only be installed as accessory structures to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests. No Swimming Pool, Hot Tub, Spa, or fixed-in-place Wading pool shall be installed or maintained unless it complies with the following;
1. A building permit shall be issued by the Town of Clarendon Code Enforcement Officer (CEO) insuring that all provisions required by Chapter 41 of the Residential Code of New York State have been met.
 2. The pool is installed in the rear or side yard of the premises.
 3. The pool complies with all setback restrictions for the Zoning District.
 4. Such pool area shall not occupy more that fifty (50) percent of the open area of the rear or side yard after compliance with all setback restrictions.
- B. Pool alarms. Each residential swimming pool installed, constructed or substantially modified after December 14, 2006 and each commercial swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:
1. Is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
 2. Is audible poolside and at another location on the premises where the swimming pool is located;
 3. Is installed, used and maintained in accordance with the manufacturer's instructions;
 4. Is classified by Underwriter's Laboratory, Inc.

(Rev. 6/19/2007)

SECTION 656- TEMPORARY TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES

- A. Temporary tents, canopies, air-supported, air-inflated or tensioned membrane structures shall not be used in lieu of permanent storage.
- B. Temporary tents, canopies, air-supported, air-inflated or tensioned membrane structures having an area in excess of 200 square feet shall not be erected, operated or maintained for any purpose without approval from the Code Enforcement Official (CEO).
- C. Temporary tents, canopies, air-supported, air-inflated or tensioned membrane structures shall be used for a period of not more than 180 days within a 12-month period on a single premise.
- D. Temporary tents, canopies, air-supported, air-inflated or tensioned membrane structures shall be in compliance with the setback requirements of the Zoning District in which they are located. They shall not be located within 20 feet of other buildings, tents, canopies, air-supported, air-inflated or tensioned membrane structures, parked vehicles or internal combustion engines.
- E. Buildings of this type or design used as Agricultural Structures and located within a listed Agricultural District are exempt from the requirements of this section.
(Rev. 6/19/2007)

SECTION 658 - TELECOMMUNICATION FACILITY

- A. **GENERAL CRITERIA** - No Special Use Permit or renewal thereof or modification of a current Special Use Permit relating to a Telecommunications Facility shall be authorized by the Planning Board unless it finds that such Telecommunications Facility:
 - 1. Is necessary to meet current or expected demands for service.
 - 2. Conforms with all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies.
 - 3. Is considered a public utility in the State of New York.
 - 4. Is designed and constructed in a manner which minimizes visual impact to the extent practical.
 - 5. Complies with all other requirements of this ordinance, unless expressly superseded herein.
 - 6. Is the most appropriate site among those available within the technically feasible area for the location of a Telecommunications Facility.
 - 7. When including the construction of a tower, such tower is designed to accommodate future shared use by *at least* one (1) other telecommunication service provider. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower. However, the additional equipment will require site plan review.
- B. **CO-LOCATION** - The shared use of existing Telecommunications Facilities or other structures shall be preferred to the construction of new Facilities. Any Special Permit

application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within (share) an existing Telecommunication Facility or upon an existing structure.

1. The application shall include an adequate inventory report specifying existing Telecommunication Facility sites and structures exceeding seventy-five per cent (75%) of the height of the proposed tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.
2. The applicant must demonstrate that the proposed Telecommunication Facility cannot be accommodated on existing Telecommunications Facility sites in the inventory due to one (1) or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of existing and approved Telecommunication Facilities or other structures, considering existing and planned use for those facilities.
 - b. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - c. Existing or approved Telecommunications Facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
 - d. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures.
 - e. The property owner or owner of the existing Telecommunication Facility or other structure refuses to allow such co-location.

C. DIMENSIONAL STANDARDS

1. A fall zone around any tower constructed as part of a Telecommunications Facility must have a radius at least equal to the height of the tower and any antennae(s) attached upon it zenith. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not contain any structure other than those associated with the Telecommunications Facility. If the Facility is attached to an existing structure, relief may be granted by specific permission of the Zoning Board of Appeals on a case-by-case basis.
2. All Telecommunications Facilities shall be located on a single parcel.
3. All Telecommunications Facilities shall comply with the setback standards of the underlying Zoning District. The size of the leased or owned lot shall be, at a minimum, sufficiently large to include the entire fall zone. A lot owned for the purpose of construction of a tower as part of a Telecommunications Facility, shall not result in the creation of a non-conforming lot.
4. The frontage requirement of the underlying zoning district shall not apply, provided the Telecommunications Facility is not proposed on a parcel to be partitioned specifically for the Facility and/or is designed for occupancy by staff. In the absence of required frontage, an access way for service vehicles either through easement, lease or ownership - shall be in accord with this Section.

5. The applicant shall demonstrate that the proposed height of the tower is the minimum necessary to achieve the desired coverage objectives for the facility, although the Planning Board may require that the Telecommunications Facility be designed for possible future height extensions in order to accommodate future co-location by other users. In no event shall any Telecommunications Facility exceed 250 feet in height.

D. LIGHTING AND MARKING

1. Towers shall not be artificially lighted and marked beyond requirements of the Federal Aviation Administration (FAA).
2. Notwithstanding the preceding paragraph, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety.

E. APPEARANCE AND BUFFERING

1. The use of any portion of a Telecommunications Facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited.
2. The facility shall have the least practical visual effect on the environment, as determined by the Planning Board. Any tower that is not subject to FAA marking, shall otherwise:
 - a. Have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or;
 - b. Be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.
3. Accessory structures shall maximize the use of building materials, colors and textures designed to blend in with the natural surroundings.
4. The Planning Board may require a State Environmental Quality Review (SEQR) Full Environmental Assessment Form (EAF) for proposed Facilities at key viewpoints in the community. A Visual Environmental Assessment Form (Visual EAF), may be required as an addendum to either the Full or Short EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
5. The Planning Board shall require that the facility have appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Planning Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within common view of the public.

6. Equipment or vehicles not used in direct support, renovations, additions or repair of any Telecommunications Facility site shall not be stored or parked on the facility site.

F. ACCESS AND PARKING

1. Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for Telecommunications Facilities must be at least twenty (20), but no more than thirty (30), feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
2. The road surface (driveways) shall be centered within access ways and shall not comprise more than 60% of the width of the access way.
3. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
4. Driveways or parking areas shall provide adequate interior turn-around, such that service vehicles will not have to back out onto a public thoroughfare.

G. SECURITY

1. Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing at least eight (8) feet in height, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site.
2. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeters has been entered.
3. There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.
4. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

H. ENGINEERING AND MAINTENANCE

1. Site plans for all Telecommunications Facilities must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
2. Every facility shall be inspected at least every second year for structural integrity by a

New York State licensed engineer. A copy of the inspection report shall be submitted to the municipal zoning office.

3. A safety analysis by a qualified professional must accompany any special permit or site plan application, renewal thereof or modification, for the purpose of certifying that general public electromagnetic radiation exposure does not exceed standards set by Federal Regulations.
4. The municipality, at the expense of the applicant, may employ its own consulting assistance to review the findings and conclusions of safety analysis, visual analysis, or structural inspection, provided by the applicant.

I. REMOVAL

1. At the time of submittal *of* the application *of* a special use permit for a Telecommunications Facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a Telecommunications Facility if such Facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said Facility, the land shall be restored to its previous condition, including but not limited *to* the seeding of exposed soils.
2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal *of* the Telecommunications Facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than one hundred thousand dollars (\$100,000.00).
3. At times of renewal or modification of the Special Use Permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in cost of removal of the Telecommunications Facility or any necessary property restoration that may be required.

SECTION 659 - TELEVISION DISC ANTENNAS

- A. Television disc antenna shall be sited on the subject premises so that the value or use of surrounding properties is not diminished or adversely affected. The following regulations shall apply to the installation and maintenance of television disc antennas:
 1. No more than one television disc antenna shall be placed on any lot.
 2. Television disc antennas shall be located in rear yards only and shall be considered an accessory structure requiring compliance with all dimensional setback requirements.
 3. Television disc antennas shall not be located or situated on any trailer or portable device.
 4. Television disc antennas shall not be connected to or placed upon any roof, and shall not, at any point or part of the antenna, be elevated to a height of more than fifteen (15) feet above the natural grade of the subject premises. In no event shall the natural grade be altered to increase the elevation of the antenna.
 5. This Section does not apply to Digital Satellite Systems.

SECTION 660 - YARD SALES

Only three (3) yard sales, porch sales, garage sales, barn sales or similar sales shall be permitted per household during each calendar year. In no event shall any sale exceed four (4) days in duration.

SECTION 661 - STANDARDS FOR BLASTING

During the actual conduct of blasting operations, signs shall be posted indicating that blasting is being conducted. Signs shall read: **BLASTING AREA, DANGER, KEEP OUT**. Signs shall be clearly visible at all times from the boundaries of the affected area.

A. STANDARDS FOR PERMIT

1. A Blasting Permit shall be granted only when it is in compliance with all of the applicable regulations of this Ordinance.
2. The applicant shall present to the Planning Board satisfactory evidence of the existence of all other required state, federal and/or local permits which may be required.
3. The applicant shall submit proof to the Planning Board of current valid liability insurance, such insurance to be adequate in relation to the blasting proposed, to provide for the payment of any damages arising from the permitted blasting. Adequacy of coverage to be determined by the Town Engineer or consulting Engineer.
4. In consideration of an application for a blasting permit, the Planning Board shall find that such issuance will not endanger the stability of adjacent land or structures or constitute a detriment to public health, safety or welfare by reason of excessive noise, dust, unsafe blasting practices or any other condition that would not serve the best interests of the Town.
5. Where it is determined by the Planning Board that the issuance of a blasting permit may result in the creation of pits or holes which may be hazardous or dangerous, and eventually permanent in nature, the applicant shall provide for a plan for reclaiming the land so affected.

B. STANDARDS FOR BLASTING

1. No blasting operations shall be conducted within the Town of Clarendon when the purpose and/or effect of such proposed blasting may be accomplished by any other feasible means available to the applicant, it being the intention hereof to limit the blasting within the Town of Clarendon to those activities or purposes which cannot be accomplished by the applicant by any other practical means other than that of actual blasting.
2. No explosives shall be detonated during blasting operations in excess of the following levels and standards:
 - a. Particle Velocity - No detonation of explosives or series of explosive charges shall produce at any time a particle velocity in excess of zero and five tenths (0.5) inch per second for walls and stone foundations.
 - b. Air Pressure - No detonation of explosives or series of explosive charges shall produce at any time a peak overpressure in excess of 110 decibels. These values are in accordance with USBM RI 8507.

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- c. For the purpose of these provisions, measurements of particle velocity and air pressure shall be made on the ground adjacent to the nearest public dwelling, school, church or residential or other commercial or institutional building or structure not on the property of the applicant.
- d. The Town of Clarendon reserves the right to modify the above upper limiting values of particle velocity and overpressure in cases of unusually damage-prone structures, structures of significant historical value, or in cases of justifiable complaints.
- e. The applicant shall be subject to and shall at all times be in compliance with all applicable provisions and regulations of the Occupational Safety and Health Administration (OSHA), Subpart U. of OSHA Standards 1926.900 to 1926.914 - Blasting and Use of Explosives. The applicant shall be subject to and shall at all times be in compliance with all applicable provisions and regulations of Rule No. 23 of the Industrial Code of the New York State Department of Labor, 23-61 to 23-63, Explosives. Should the applicant be found to be in violation of either of the above regulations, or any part thereof, the permit hereunder may be suspended or revoked until such time as the applicant comes into compliance.
- f. The Planning Board may require any operation that requires blasting to monitor wells within one-half mile of the blasting site for water level and water quality prior to the blast or blasts and to continuously monitor these wells to determine any change in either water level or quality of water. The expense of repairing any damaged well shall be borne by the blasting permit applicant.
- g. The Planning Board may require any operation that requires blasting to monitor structures within one-half mile of the blasting site for existing damage prior to issuance of a permit.
- h. No more than two (2) blasts shall occur within the Town of Clarendon during any twenty-four (24) hour period.

C. REQUIREMENTS

- 1. All detonation of explosives shall take place between the hours of 10:00am and 3:00pm and no detonation of explosives shall take place either Saturday or Sunday or on any legal holiday.
- 2. All applicants shall prominently display adequate signs warning against the use of mobile radio transmitters on all roads within one thousand feet (1,000') of the affected area.
- 3. The applicant may be required to provide additional reasonable safety precautions as may be required by the Planning Board for specific field conditions or conduct of the blasting operations.

SECTION 662 – PUBLIC UTILITIES (ESSENTIAL SERVICES) (Rev 10/21/2014)

- A. The Planning Board shall determine the following prior to approving a site plan review for Public Utilities (Essential Services):
 - 1. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential services or the satisfactory and convenient provision of service to the area in which the particular use is located.

2. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located. In determining whether any such proposed building conforms to the requirements of this section:
 - a. The Planning Board shall consider the proposed use of the structure, its anticipated hours of operation, the effect of the structure's location on traffic flow, and the adequacy of parking, landscaping, exterior lighting and noise control.
 - b. All other applicable requirements of the code shall be met.

SECTION 663 – ALTERNATIVE ENERGY SYSTEM (SOLAR POWER)(PRIVATE)
(Rev.11/20/2012; 10/21/2014)

- A. Solar powered alternative energy systems are permitted in designated land use districts as an accessory use to a residential use.
- B. A building permit is required for all solar powered alternative energy systems; Article III, Section 301.
- C. Solar powered alternative energy systems shall provide power for the principal residential use and/or residential accessory use of the property on which it is located and shall not be used for the generation of power for sale to others. This provision does not prohibit the sale of excess power generated from time to time to the local utility company. Written authorization is required from the local utility company acknowledging and approving such connections.
- D. All roof mounted Solar powered alternative energy systems shall be mounted on a principal building or accessory building and may not exceed the maximum building heights allowed by Article VI, Section 641.
- E. All free standing solar collectors, and any associated components of a solar powered alternative energy system, shall be positioned on the owner's property in such a manner as to allow a minimum distance of one and one-half times the height of the structure from the nearest property line. All power transmission lines from a ground mounted systems shall be located Underground.
- F. Notwithstanding the provisions of subparagraph (A) above, the placement of any such Solar powered alternative energy system on property in the Town of Clarendon shall comply with the setback and other provisions of this Ordinance and shall also comply with all applicable Local, State and Federal codes, rules and regulations.
- G. The design of the Solar powered alternative energy system shall comply to industry standards. The applicant shall submit certificates of design compliance to the New York State Uniform Fire Prevention and Building Code from the equipment manufacturers certified by a licensed engineer. All electrical equipment and wiring used in conjunction with a Solar powered alternative energy system shall comply with the applicable section of the National Electric Code (NEC) and if connected to the grid, with all requirements of the local Utility Company. All power transmission lines shall be located underground.

- H. Solar panels shall be placed so that concentrated radiation or glare shall not be directed onto nearby properties or roadways.
- I. Solar powered alternative energy system shall not be located within the required front yard setback.
- J. If the solar powered alternative energy system is abandoned or in a state of disrepair it shall be the responsibility of the property owner to either remove or repair the system as necessary. Any earth disturbance associated with the removal of a ground mounted system shall be properly restored, graded and seeded.
- K. The need for buffering, additional setbacks, fencing, screening or any other means may be necessary to ensure compatibility with the surrounding neighborhood. This shall be determined by the Planning Board as part of the site plan review process.

**SECTION 664 – ALTERNATIVE ENERGY SYSTEM (Wind Energy Conversion Sys
(WECS) (PRIVATE) (Rev. 6/19/2007; 11/20/2012; 10/21/2014)**

- A. Wind energy conversion systems are permitted in designated land use districts as an accessory use to a residential use.
- B. A building permit is required for all Wind energy conversions systems; Article III, Section 301.
- C. Wind energy conversion systems shall provide power for the principal residential use and/or residential accessory use of the property on which it is located and shall not be used for the generation of power for sale to others. This provision does not prohibit the sale of excess power generated from time to time to the local utility company. Written authorization is required from the local utility company acknowledging and approving such connections.
- D. The design of the Wind energy conversion system shall comply to industry standards. The applicant shall submit certificates of design compliance from the equipment manufacturers to the New York State Uniform Fire Prevention and Building Code certified by a licensed engineer. All electrical equipment and wiring used in conjunction with the Wind energy conversions system shall comply with the applicable section of the National Electric Code (NEC) and if connected to the grid, with all requirements of the local utility company. All power transmission lines shall be located underground.
- E. All Wind energy conversion systems and any associated components shall be positioned on the owner's property in such a manner as to allow a minimum distance of one and one-half times the height of the structure from the nearest residential dwelling, accessory structure or property line.
- F. All Wind energy conversion systems shall be sited in such a manner so as to minimize shadowing or flicker impacts on adjoining properties.
- G. Wind energy conversions systems shall not be located within the required front yard setback.
- H. The clearance distance between the ground and any moving rotor or blade system shall be no

less than ten (10) feet.

- I. All Wind energy conversions systems shall be designed with an automatic brake to prevent over-speeding and excess pressure on the tower structure.
- J. The need for buffering, additional setbacks, fencing, screening, or any other means may be necessary to ensure compatibility with the surrounding neighborhood. This shall be determined by the Planning Board as part of the site plan review process.
- K. If the Wind energy conversion system is abandoned or in a state of disrepair it shall be the responsibility of the property owner to either remove or repair the system as necessary.

SECTION 665 – CHURCH (Rev 10/21/2014)

A. The Planning Board shall determine the following prior to approving a site plan review for a church.

- 1. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located. In determining whether any such proposed building conforms to the requirements of this section:
 - a. The Planning Board shall consider the proposed use of the structure its anticipated hours of operation, the effect of the structure’s location on traffic flow, and the adequacy of parking, landscaping, exterior lighting and noise control.
 - b. All other applicable requirements of the code shall be met.

B. Dimensional Requirements:

- 1. Minimum Lot Size – 40,000 Square Feet.
- 2. Minimum Lot Frontage – 200 Feet.
- 3. Minimum Lot Depth – 200 Feet.
- 4. Minimum Front Setback – 125 Feet.
- 5. Minimum Side Setback – 50 Feet.
- 6. Minimum Rear Setback – 50 Feet.
- 7. This use shall be allowed on flag lots.

C. A buffer shall be required along any property line shared with a residential dwelling. Buffers shall comply with the requirements specified in Article VI, Section 609 of this Ordinance. (Rev. 6/19/2007)

D. One off-street parking space shall be provided for each employee on the maximum work shift, and one parking space provided for every four persons based on maximum capacity. Off-street parking areas and driveways shall comply with the requirements specified in Section 605 of this Ordinance.

E. Concrete or asphalt sidewalks shall be provided in locations where they are deemed by the Planning Board to be appropriate in the interest of worker and public safety and in accordance with the typical driveway/roadway section.

F. The sanitary sewage system shall be of sufficient size to collect, dispose of and/or treat all sewage generated from the use, and shall be designed, constructed and maintained in accordance with all applicable State and County Health department regulations.

G. The property owner shall be wholly responsible for the proper upkeep and routine maintenance of all buildings, structures, facilities, parking areas, driveways, landscaping and grounds.

ARTICLE VI, SECTION 666, Battery Energy Storage Systems (BESS)

1. AUTHORITY

This Battery Energy Storage System Regulation is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and sections 261-263 of the Town Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the Town of Clarendon to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. STATEMENT OF PURPOSE

This Battery Energy Storage System Regulation is adopted to advance and protect the public health, safety, and welfare of the Town of Clarendon by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To protect the health, welfare, safety, and quality of life for the general public;
- C. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- D. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- E. To create synergy between battery energy storage system development and other stated goals of the community pursuant to its Comprehensive Plan.

3. DEFINITIONS

ANSI: American National Standards Institute

BATTERY: A single Cell or a group of Cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects storage batteries from operating outside their safe operating parameters and generates an alarm and trouble signal for off normal conditions.

BATTERY ENERGY STORAGE SYSTEM: A rechargeable energy storage system consisting

of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power to a building. The system is typically used to provide standby or emergency power, an uninterruptible power supply, load shedding, load sharing, or similar capabilities. A battery energy storage system is classified as a Tier 1, or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage have an aggregate energy capacity that is less than or equal to 600 KwH and in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 KWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code. It is constructed in accordance with the Uniform Code, and it complies with the following:

- 1) The building's only permitted primary use is for battery energy storage, energy generation, and other electrical grid-related operations.
- 2) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 3) No other occupancy types are permitted in the building.
- 4) Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements, including all other occupancy types such as, but not limited to, commercial, industrial, offices, and multifamily housing.

NON-PARTICIPATING PROPERTY: Any property that is not a Participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

ONE-TO-TWO-FAMILY DWELLING: A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. APPLICABILITY

A. The requirements of this Regulation shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Clarendon after the effective date of this Regulation, excluding general maintenance and repair.

B. Battery energy storage systems constructed or installed prior to the effective date of this Regulation shall not be required to meet the requirements of this Regulation.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

5. GENERAL REQUIREMENTS

A. A Building permit, and an electrical permit shall be required for installation of all battery

energy storage systems.

B. Issuance of permits by the Town of Clarendon Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].

C. All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Clarendon Zoning Regulations.

6. PERMITTING REQUIREMENTS FOR TIER 1 BATTERY ENERGY STORAGE SYSTEMS

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts. A building permit is required for all Tier 1 energy storage systems per Article III, Section 301.

7. PERMITTING REQUIREMENTS FOR TIER 2 BATTERY ENERGY STORAGE SYSTEMS

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Special Use Permit within the Residential/Agricultural District (RA), Business/Commercial District (BC) and the Industrial District (I) zoning districts, and subject to the Uniform Code and site plan application requirements set forth in Article III, Section 302 and any requirements specified in this Section.

A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

1) Reviewed by the Planning Board for completeness. An application shall be complete when it addresses all matters listed in these Regulations including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, Permit Time Frame and Abandonment.

Applicants shall be advised within 30 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review;

2) Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Clarendon shall have a notice printed in a newspaper of general circulation in the Town at least [5] days in advance of such hearing. Applicants shall have delivered the notice of said public hearing by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing;

3) Referred to the County Planning Department pursuant to General Municipal Law § 239-m as required;

4) Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and Applicant.

B. Utility Lines and Electrical Circuitry.

All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting.

Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting.

Areas within [10] feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise.

The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dB as measured at the outside wall of any Non-participating Residence and Occupied Community Building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, containing:

- (a) a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include: (i) the anticipated life of the battery energy storage system;
- (b) the estimated decommissioning costs;
- (c) how said estimate was determined;
- (d) the method of ensuring that funds will be available for decommissioning and restoration;
- (e) the method that the decommissioning cost will be kept current;
- (f) the manner in which the battery energy storage system will be decommissioned, and the site restored; and
- (g) a listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning Fund. The applicant, or successors, shall continuously maintain a fund or bond payable to the Town of Clarendon, in a form approved by the Town of Clarendon for the removal of the battery energy storage system, in an amount to be determined by the Town of Clarendon, for the period of the life of the facility. This fund shall be adjusted for inflation on an annual basis based on the consumer price index. 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.

H. Site plan application.

For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 3) A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final

system installer shall be submitted prior to the issuance of building permit.

6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

7) Zoning district designation for the parcel(s) of land comprising the project site.

8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code . Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Planning Board prior to final inspection and approval and maintained at an approved on-site location.

9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code .

10) System and Property Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code .

11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

12) Prior to the issuance of a building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer or NYS Registered Architect.

13) Emergency Operation Plan: A copy of the approved Emergency Operations plan shall be given to the system owner, the local fire department, and local fire code officials, and emergency responders. The emergency operations plan shall include the following information;

- (a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injury, and safe start-up following cessation of emergency conditions;
- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls;
- (c) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potential dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of failure;
- (d) Emergency procedures to be followed in case of fire, explosion, release of liquids or

vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment and controlling and extinguishing the fire;

- (e) Response considerations similar to a safety data sheet (SDS) that will address response safety concern and extinguishment when an SDS is not required;
- (f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility;
- (g) Other procedures determined to be necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and emergency responders;
- (h) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

- 1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by an [8-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, plantings or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports. Screening and Visibility plan shall be determined by the Planning Board as part of the site plan review. Vegetative screening shall be maintained and replaced as necessary for the life of the facility.
- (5) Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent possible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles with new easements and right-of-way.
- (6) Signage shall comply with ANSI Z535 and NFPA 70 (NEC).
- (7) Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- (8) The maximum one (1) hour average noise generated shall not exceed 60 dB as measured at the outside wall of any non-participating residence or occupied community building.

J. Ownership Changes.

If the owner of the battery energy storage system changes or the owner of the property changes,

the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Ordinance Inspection Officer (OIO) of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the OIO in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the OIO in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

8. SAFETY

A. System Certification.

Battery energy storage systems and Equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 or CAN 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical):

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (inverters and power converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification Requirements.

B. Site access.

Battery energy storage systems shall be maintained in good working order and in accordance with industry standards, Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 battery energy storage system is located in an ambulance district the local ambulance corps as well.

C. Miscellaneous.

Battery energy storage systems, components, and associated ancillary equipment shall have required workspace clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type enclosure in compliance with NFPA 70.

10. PERMIT TIME FRAME AND ABANDONMENT

The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 12 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, the Applicant may request the Planning Board to extend the

time to complete construction for 180 days. If the owner and/or operator fail to perform substantial construction after 6 months, the approvals shall expire.

If the owner and/or operator fail to comply with decommissioning upon any abandonment, the Town of Clarendon may, at its discretion, utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

11. ENFORCEMENT

Any violation of this Battery Energy Storage System Regulation shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Clarendon.

12. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 670 - DESIGN CRITERIA & CONSTRUCTION SPECIFICATIONS FOR LAND DEVELOPMENT

Refer to the most current ordinance, law, rule or regulation pertaining to Design Criteria and Construction Specifications for Land Development in the Town of Clarendon (i.e. - Subdivision Regulations).

SECTION 671 - KEEPING OF FARM ANIMALS ON RESIDENTIAL AND NON-RESIDENTIAL LOTS *(Rev 11/20/2012)*

- A. These regulations are intended to protect residents from the potentially adverse effects of keeping farm animals in residential areas, and will ensure that the affected farm animals are provided with a healthy living environment and sufficient area to roam within the boundaries of a property. These regulations shall not apply to commercial agriculture, farm animals harbored on a farm, or domestic household pets (such as cats and dogs).
- B. Farm animals shall be allowed on residential and non-residential lots in the Residential/Agricultural District, Conservation District, Rural/Residential District and Residential/Hamlet District. Farm animals shall not be allowed on any lot in the Business/Commercial District, Industrial District, Industrial-Mining District and Historic District.
- C. The number of customary farm animals allowed on a single residential or non-residential lot shall be as follows:
 - 1. Poultry (fowl) and rabbits
 - a. For residential and non-residential lots a minimum lot size of (40,000) square feet is

required for the noncommercial keeping of any poultry (fowl) or rabbits.

- b. No more than six (6) poultry (fowl) and six (6) rabbits shall be permitted.
- c. Poultry (fowl) and rabbits shall be housed, kept or penned a minimum of fifty 50 feet from the residence on the lot where the animals are kept from any residence on any adjoining lot or parcel.

2. Equine, Bovine, Porcine, Camelids and Ovine Species

- a. For residential and non-residential lots a minimum lot size of 120,000 square feet) is required for the noncommercial keeping of any equine, bovine, porcine, camelid or ovine species.

3. For residential and non-residential lots greater than ten acres in size, or those located in a County Legislature approved agricultural district or those that have entered into an individual commitment pursuant to Article 25AA of the New York State Agricultural and Markets Law, all customary farm practices involving the keeping of farm animals are permitted, provided that such practices are not injurious to the public health and do not violate standards set forth in the Orleans County Sanitary Code.

- D. Permanent shelter shall be provided for all farm animals. The shelter shall be of sufficient size and equipped with adequate food and water for the number and type(s) of animals harbored on the premises. At no time shall a dwelling unit or basement of a dwelling unit be used to shelter farm animals.
- E. A shelter shall only be allowed in the rear yard, and shall be located a minimum of 75 feet from any property line.
- F. A minimum of one-half acre of pasture land shall be provided for each farm animal harbored on a lot.
- G. All excrement produced by farm animals shall be collected and disposed of on a regular basis for health purposes and to control flies, rodents and odor. If excrement must be temporarily stored on site, it shall be located a minimum of 75 feet from any property line, blue line stream, wetland, pond and drinking water well.
- H. Stored excrement shall be either composted and reused on the premises, or entirely removed from the lot. Excrement which is removed from the premises shall be loaded and transported in a manner to prevent the loss, discharge or spillage of excrement onto the highway or neighboring properties.
- I. A fenced area or enclosed area shall be provided on the lot which is capable of containing the farm animals harbored on site.
- J. Fences shall not exceed six feet in height, as measured at the highest point of ground directly below the fence.
- K. The finished side (good side) of any fence or enclosure shall face adjoining properties. Fence posts shall face in and away from any adjoining lots or property owned by others.

- L. Materials used for any fence or enclosure shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent straying.
- M. All farm animals, shelters, grounds and operations associated with this section shall be subject to periodic visual inspections by the Code Enforcement Officer. The Code Enforcement Officer shall determine the need for and timing of such inspections.
- N. A person shall be considered in violation of this Ordinance if one or more of the following occurs: failure to provide proper food and water; failure to provide permanent shelter; failure to provide adequate pasture land; failure to properly clean and maintain the shelter and grounds; failure to properly collect, store, compost, reuse or dispose of excrement; failure to provide adequate fencing or enclosures; straying of farm animals off the property; and failure to allow visual inspection of the premises. Any person deemed in violation of this Ordinance shall be subject to the procedures and penalties set forth herein.
- O. If the owner of the farm animals fails to correct any identified violation(s), the Town shall have the authority to issue a violation notice and/or appearance ticket.
- P. Offspring of permitted animals shall not be counted in determining the permitted number of animals if such offspring do not exceed the following age limits:
 - 2. Bovine – 6 months
 - 3. Camelids – 6 months
 - 4. Equine – 12 months
 - 5. Ovine – 6 months
 - 6. Porcine – 4 months
 - 7. Poultry, fowl, rabbits – 4 months