

**TOWN OF PINCKNEY
ZONING LAW**

**LOCAL LAW NO. 4 OF 1987, ADOPTED JUNE 30, 1987, AS REVISED BY
LOCAL LAW NO. 1 OF 1998, ADOPTED NOVEMBER 5, 1998
AS REVISED BY WINDPOWER LOCAL LAW
AS REVISED BY LOCAL LAW #1 OF 2011**

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Pinckney

FILED
STATE RECORDS

FEB 01 2018

DEPARTMENT OF STATE

Local Law No. 1 of the year 2018

A local law Zoning Amendment
(Insert Title)

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

County City Town Village
(Select one.)

of Pinckney as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2018 of the (County)(City)(Town)(Village) of Pinckney was duly passed by the Town Board on June 25 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2018 of the City of Town of Pinckney having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on January 25 2018, became operative.

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

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

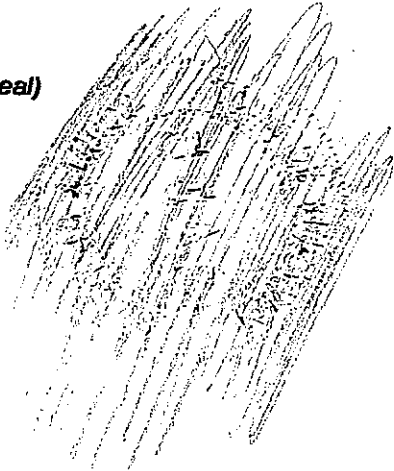
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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

Dorothea Pearson
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: January 25, 2018

(Seal)



TOWN OF PINCKNEY

LOCAL LAW NO. 1 FOR 2018

A LOCAL LAW TO AMEND THE TOWN OF PINCKNEY ZONING LAW

ARTICLE 5 –

Section 582(2)

Amend to specify setback applies to “nonparticipating” lot lines.

Section 582(3)

Amend to specify setback applies to “nonparticipating” residences.

Section 582(5)

... Repeal and Replace ...

All electrical generating equipment and electrical storage equipment, including substations and wind turbines, shall be appropriately secured to prevent trespass or entry by unauthorized persons. All such structures shall be enclosed by a fence, equipped with locking exterior doors, or fitted with tower ladders and climbing pegs located no closer than twelve (12) feet to the ground level at the base of the structure.

Section 582(6)

...Repeal and Replace...

Noise

Individual Wind Turbine Towers shall be located with relation to property lines so that the level of noise produced by wind turbine operation shall not exceed fifty (50) L90 A-weighted decibels, measured at ten-minute intervals at the closest non-participating sensitive receptors such as residences, churches, schools, hospitals, and public buildings existing at the time of application. For purposes of this paragraph, non-participating shall mean property whose owners do not have any agreement with the applicant.

Section 582(7)

...Repeal and Replace...

Decommissioning

Wind turbines have a current life expectancy of 20 to 25 years and there may come a time when an individual turbine may need to be decommissioned or the entire project will be

decommissioned. Decommissioning includes dismantling and removing wind turbines and project components on property owned or leased by the Applicant.

The Applicant must perform decommissioning activities in accordance with this Section:

- a) If a wind turbine is non-operational for over two years, the Applicant must decommission the wind turbine, unless otherwise approved by the Town Board.
- b) The Applicant, and its successors or assigns or heirs, are responsible for decommissioning and all costs associated with decommissioning the project and associated facilities.
- c) All above-ground components being decommissioned, including but not limited to, turbines, blades, nacelles, towers, transformers, above-ground collection cables and poles, permanent meteorological towers, and the collection substation, must be removed.
- d) Foundations and collection lines buried less than above a depth of 36 inches in non-agricultural lands and 48 inches in agricultural lands must be removed.
- e) Foundations and buried project components below a depth of 36 inches in non-agricultural lands and 48 inches in active agricultural lands may remain in place.
- f) Decommissioning activities must be completed within one year of decommissioning initiation unless otherwise approved by the Town Board.

Restoration

The Applicant must restore the project site in accordance with this Section:

- a) The Applicant, and its successors or assigns or heirs, are responsible for restoration and all costs associated with restoring the project site.
- b) Ground disturbance must be minimized to the extent practical and the site restored to its original ground contours if possible.
- c) Disturbed on-site soils and vegetation will be reasonably restored and reestablished using native seed mix or, in any agricultural areas, in coordination with the landowner to allow desired crops to be replanted.
- d) Roads must be adequately restored to their original condition following decommissioning activities.
- e) Access roads, fencing and residual minor improvements may remain with written consent from the landowner.

Financial Assurance

The Applicant must provide financial assurance for decommissioning costs in accordance with this Section:

- a) Prior to the erection of any wind turbines, the Applicant will post and maintain financial assurance in the amount of the net decommissioning costs, on a per-turbine basis, to be determined by a qualified independent engineer licensed to practice engineering in the State of New York. The net decommissioning cost

shall be the total cost of decommissioning less the salvage value of the equipment and/or re-sale values divided by the total number of turbines.

- b) The net decommissioning cost must be re-evaluated after one year of operation of the project and every fifth year thereafter.
- c) Financial assurance may be in the form of bond, escrow account, or other form approved by the Town Board.

ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Pinckney hereby adopts and enacts the following law.

Section 120. Title

This law shall be known as "The Town of Pinckney Zoning Law."

Section 130. Purpose

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public. This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Pinckney.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

ARTICLE 2. DEFINITIONS

Section 210. General

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

Section 220. Specific Definitions

Accessory Building: A building which is an accessory structure.

Accessory Structure: A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Active Recreation: Any form of recreation requiring significant levels of organization, buildings or large numbers of persons.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.

Agricultural Structure: A structure used for agricultural purposes.

Alteration: The increase in ground coverage.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

Building: Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Campground, Class A: Land on which five or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

Campground, Class B: Land on which two to four campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

Camping Unit: Any tent, lean-to, cabin or similar structure, or recreational camping vehicle, excluding mobile homes, established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

Campsite: An area within a campground dedicated to the use of a single camping unit.

Certificate of Compliance: A certification by the zoning officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance.

Classified Stream: A stream classified by NYS Codes, Rules and Regulations, Title 6, Chapter X, Parts 700-705 with the designations AA, A, B, C, or D. Classifications shall have the following best usage:

- AA Source of water supply for drinking, culinary or food processing purposes and any other usage.
- A Source of water supply for drinking, culinary or food processing purposes and any other usage.
- B Primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes.
- C The waters are suitable for fishing and fish propagation, and primary and secondary contact recreation.
- D The waters are suitable for fishing, and limited primary and secondary contact recreation activity.

Day Care Home, Family: Any use defined as a “Family Day Care Home” in Section 390 of Social Services Law.

Day Care Home, Group: Any use defined as a “Group Day Care Home” in Section 390 of Social Services Law.

Dwelling: A building or portion thereof which is used exclusively for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels, motels, boarding houses, and bed and breakfast inns.

Dwelling, Multi-family: A building or a portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Single-family: A detached building designed to be used as living quarters by one family.

Dwelling, Two-family: A building containing only 2 dwelling units, and occupied by only two families.

Dwelling Unit: A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Educational Facility: Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty, culture, business, dancing, driving, music and similar establishments.

Essential Facilities: Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage facilities, and similar facilities. The definition of essential facilities shall not include minor or major wind power generating facilities.

Excavation, Major: Any area of land used for the purpose of extracting stone, sand, gravel or soil for sale, as a commercial operation.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single house-keeping unit.

Feed Lot: A confined area or structure, pen or corral, used to fatten livestock prior to final shipment.

FEMA: An acronym for “Federal Emergency Management Agency”.

Food Service, Bar, Nightclub: Any establishment, however designated, at which food or alcohol is sold for consumption to patrons seated within an enclosed building or on the premises.

Grandfathering: See “Nonconformity”.

Fuel Distribution Operation: An establishment engaged in the receipt, storage and distribution of petroleum products, including gasoline, fuel oil, and kerosene.

Home Business: A nonresidential activity conducted within a dwelling or mobile home, using less than fifty percent (50%) of the floor area of the dwelling or mobile home. Nonresidential uses conducted within

dwellings using fifty percent (50%) or more of the floor area shall not be deemed a home occupation, but shall be deemed to be a nonresidential use.

Hotel/Motel: A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

Junk Vehicles: Any motor vehicle whether automobile, bus, trailer, truck, tractor-trailer, motor home, motor cycle, bicycle, minibicycle, or snowmobile, or any other device originally intended for travel on the public highways which meets the following conditions:

1. It is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled.
2. It is not in any condition for legal use upon the public highway.

Junkyard: The outdoor storage or deposit of junk vehicles.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Depth: The average distance horizontal between the front and rear lot lines.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private road.

Lot of Record: A lot for which a valid conveyance has been recorded in the Office of the County Clerk prior to the effective date of the Town of Pinckney Subdivision Law; or, is either part of a subdivision plat approved by the Planning Board and filed in the County Clerk's office, or was exempt from the Town of Pinckney Subdivision Law at the time of recording with the County Clerk.

Lot Width: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the zone in which it is situated.

Manufacturing: A commercial activity characterized by the transformation of substances into new products (including the assembly of component parts of manufactured products) such as are normally associated with plants, factories, and mills utilizing power-driven machinery and materials handling equipment.

Metes-and-Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Mobile Home: A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory

manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Mobile Home Park: Land on which are located, or which is maintained for use by 2 or more mobile homes. See Town of Pinckney Subdivision Control Law.

Nonconformity: A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law (originally adopted June 30, 1987), or conformed to the regulations of the zone in which it was located prior to the amendment of this law, which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

Personal Service: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services.

Plat: A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

Planning Board: The Town of Pinckney Planning Board.

Principal Structure: A structure through which the principal use of the lot on which it is located is conducted.

Principal Use: The primary or predominant use of any lot.

Processing Use: An establishment in which raw material is processed and prepared for sale in the wholesale market.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, campers, travel trailers, tent trailers or over-night trailers. The term "recreational camping vehicle" shall not mean a factory manufactured house as regulated by the New York State Uniform Fire Prevention and Building Code.

Religious Facility: Includes church, temple, parish house, convent, seminary and retreat house.

Residential Use: A use containing a dwelling unit.

Retail Business: A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, servicing, and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets, and similar establishments, but also including financial institutions, and business and professional offices and services.

Retail Fuel Outlet: Any establishment that sells gasoline, propane, and heating fuels to the public. This includes service stations, convenience stores, car washes or any other facility that sells fuels.

Road: A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

Road, Private: A private way which affords the principal means of access to abutting property.

Road Line: The right-of-way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be 20 feet from the center line of the road pavement.

SEQR: An acronym for “State Environmental Quality Review” and are the regulations of Part 617 of Title 6 of the New York Code of Rules and Regulations.

Setback: The distance from lot lines, road center lines, buildings, rights-of-way, water bodies or other specified boundaries to the nearest wall or corner of any building.

Sign: Any device affixed directly or indirectly upon land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag, badge or insignia of any government agency, school or religious group, or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a sign.

Sign, Billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than the premises on which the sign is located.

Sign, Business: A sign which directs attention to a business, commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Directional: A sign which directs attention to the location of a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located.

Sign Face: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display.

Sign Structure: The supports, uprights, bracing and framework for the sign.

Sign, Surface Mounted: Sign which gives its own support and does not require excavation.

Site: Any area of land to be used, developed, or built upon as a unit.

Site Plan Review: A review of an application for a zoning permit by the Town of Pinckney Planning Board prior to the issuance, issuance with modifications, or denial of the application.

Social Institution: Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

Special Use Permit: A permit requiring planning board review and approval pursuant to New York State Town Law Section 274-b.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

Telecommunications Tower: A structure on which transmitting and/or receiving antenna(e) are located.

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Variance: Any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applied to a particular piece of property.

Vehicle and Engine Service and Repair: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles and engines.

Water Body: Any lake, pond, wetland, or stream bed.

Wetlands: Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are mapped pursuant to 6 NYCRR 664, and are filed with the County Clerk.

Wholesale Business: A commercial activity characterized by the sale of merchandise to retail, manufacturing, institutional or other wholesale establishments in bulk, including on-premise storage and distribution facilities.

Wind Power Generating Facilities, Minor: Wind generating facilities which generate original power on site that are erected and used primarily for private use.

Wind Power Generating Facilities, Major: Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include minor wind power generating facilities.

Wind Test Tower: A structure that is erected for the purpose of measuring wind speed and strength.

Wood Processing: A facility where bulk lumber is processed, such as a sawmill and lumber yards.

Zoning Permit: A permit issued by the zoning officer certifying that all plans for the use and development of land comply with the regulations of this law, and granting permission to commence development activities in conformity with the conditions of the approved permit.

Zoning Officer: Any person appointed by the Town Board to enforce the provisions of this law.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Town of Pinckney is hereby divided into the following zones:

H – Hamlet: The areas within this zone are now developed to some extent and include low or medium density residential uses with some commercial and industrial uses.

RR – Rural Residential: The areas within this zone are sparsely settled, but generally accessible by highway. Some forest and agricultural use may be present.

F – Forest Resources: The areas within this zone are predominantly covered by dense vegetation and contain many wet areas and stream courses. They are relatively inaccessible by automobile and contain few permanent residences and some seasonal residences.

Section 320. Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled “Zoning Map, Town of Pinckney” dated June 30, 1987 and filed in the office of the town clerk, which map and all explanatory matter thereon is by this reference incorporated into this law.

Section 330. Interpretation of Zone Boundaries

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.
2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary, which boundaries in all cases where distances are given are parallel to the road centerline.
4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map.

Section 340. Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this section.

Section 350. Divided Lots

Where a zone boundary divides a lot of record at the time such boundary is adopted, the zone requirements of the least restrictive portion of such lot shall extend 50 feet into the more restrictive portion of the lot, provided the least restrictive portion of the lot has frontage on a road.

Section 360. Special Areas

“Special Areas” are designated on the zoning map pursuant to the provisions of the Tug Hill Reserve Act, Chapter 486 of the New York State Laws of 1992. All governmental agencies, boards, commissions, and authorities, prior to final action on a proposed development or review of a proposed development within a designated special area which would directly affect the special area and would change the basic nature of Tug Hill, shall consult with the Town Board about said development.

ARTICLE 4. ZONE REGULATIONS

Section 410. Allowed Uses

All uses shall comply with the requirements for the zone in which it is situated as indicated on the following chart:

P	=	Zoning permit required.
S	=	Zoning permit required following site plan approval by the planning board.
NONE	=	Allowed without permit being required.
-	=	Not allowed in this zone.

Use	H Hamlet	RR Rural Residential	F Forest
Accessory Structures	P	P	S
Active Recreation	S	S	S
Agricultural Structures	P	P	P
Campground, Class A	S (see note 1)	S (see note 1)	S (see note 1)
Campground, Class B	S	S	S
Dwelling, Multi-Family	S	S	S
Dwelling, Single-Family	P	P	P
Dwelling, Two-Family	P	P	P
Essential Facilities	S	S	S
Educational Facility	S	S	-
Food Service, Bar, Nightclub	S	S	S
Fuel Distribution Operation	-	S	-
Excavation, Major	-	S	S
Home Business	NONE	NONE	NONE
Hotel/Motel	S	S	S
Junkyard	-	S	-
Manufacturing	-	S	-
Mobile Home Park	-	S	-
Personal Services	S	S	-
Processing Use	-	S	-
Religious Facility	S	S	S
Retail Business	S	S	S
Retail Gasoline Outlet	S	S	-
Social Institution	S	S	-
Telecommunications Tower	S (see note 2)	S (see note 2)	S (see note 2)
Vehicle and Engine Service and Repair	S	S	-
Wholesale Business	S	S	-
Wind Power Generating Facilities, Minor	S	S	S
Wind Power Generating Facilities, Major	-	S	S
Wind Test Tower	S	S	S
Wood Processing	-	S	S

Note 1: Annual license required, see Section 565 of this law.

Note 2: Temporary special use permit required, see Section 595 of this law.

Section 420. Lot Size and Setbacks

All uses, except where specifically exempted by this law, shall meet the following lot frontage, depth, and setback requirements for the zone in which it is situated:

Use	H Hamlet	RR Rural Residential	F Forest
Lot frontage minimum	200'	200'	400'
Lot depth minimum	200'	200'	400'
Setback minimum:			
from centerline of roads	60'	60'	60'
from side and rear lot lines	25'	25'	25'

ARTICLE 5. GENERAL REGULATIONS

Section 505. Dwellings Per Lot

There shall be no more than one dwelling on a single lot except for the placement of a temporary residence complying with the provisions of Section 815 of this law, or upon site plan approval by the planning board. Such site plan approval may be granted where it can be demonstrated that any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have setbacks in accordance with this law, the resulting lots will have areas and dimensions in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

Section 510. Line-of-Sight for Traffic Safety

No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways.

Section 515. Height of Structures

Chimneys, communication transmission towers, roof mounted satellite dishes, windmills, television and radio masts and antennae, water tanks, flagpoles, and spires shall not impair solar access to buildings or solar energy systems equipment. All transmission and reception towers, masts, or antennae shall be set back from all property lines a distance at least equal to the height of the structure.

Section 520. Alterations

Alterations shall comply with all requirements of this law, regardless of whether or not they require a permit pursuant to this law.

Section 525. Accessory Uses and Structures

Accessory uses and structures shall comply with all requirements for principal uses and structures as set forth in Section 420 of this law, regardless of whether or not they require a permit pursuant to this law.

Section 530. Signs

1. No more than one business, billboard, or directional sign structure shall be allowed on a single parcel of land. Each sign structure shall be limited to two sign faces, each face not to exceed 32 square feet. If two sign faces are on a single sign structure, they shall face in substantially different directions with no more than a 45 degree angle between the reverse of the sign faces.
2. No signs shall consist of lights which flash or move.
3. No sign shall be higher than 25 feet (measuring from ground to top of sign or post, whichever is higher). Setback from the center of the road shall be a minimum of 35 feet and from property lines equal to the height of the sign.
4. No sign shall project into the public right-of-way.

Section 535. Home Business

1. Shall not cause noise or other disturbance which is a nuisance to neighboring properties.
2. Shall not detract from the property's primary use as a dwelling.
3. Shall not exceed 50% of the floor area of the building.

Section 540. Parking

All uses shall provide off-road parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to back out onto the public road. All parking areas shall comply with the following:

1. One parking space for every 3 seats in a public meeting place.
2. One parking space for every employee at places of employment.
3. One parking space per 250 square feet of floor space in a commercial establishment.
4. One parking space for each dwelling unit.

Section 545. Recreational Camping Vehicles

1. The occupation of any motorized vehicles of any kind is prohibited unless it is designed and intended for that purpose.
2. The storage of more than two recreational camping vehicles on a single lot, unless on a recreational camping vehicle sales lot, is prohibited.
3. A recreational camping vehicle shall not be sited for occupancy for more than 180 days in a single calendar year outside of a campground.
4. All occupied recreational camping vehicles shall provide a plan demonstrating the availability of potable water and the disposal of waste water and sanitary sewage in compliance with all applicable Town, County and State laws.
5. Recreational camping vehicles shall not be located within front, side or rear yard setbacks.

Section 550. Retail Gasoline Outlet

1. Minimum lot frontage--250 feet.
2. Minimum distance between pump islands and any public right-of-way--20 feet.
3. Minimum distance between pump islands and neighboring property lines--30 feet
4. Entrance and exit driveways shall be located not nearer than ten feet from any side or rear property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

Section 555. Vehicle and Engine Service and Repair

1. No exterior storage of dismantled or inoperative vehicles, vehicle parts, or salvage materials shall be allowed.
2. Entrance and exit driveways shall be located not nearer than ten feet from any side or rear property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.

Section 560. Mobile Home Parks

Mobile home parks shall be subject to the standards of the "Town of Pinckney Subdivision Law."

Section 565. Campgrounds, Class A

1. No person shall own or operate a Class A campground unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a site plan approval, and shall be granted coincident to the final approval of a site plan. Any existing Class A campground within the town on August 1, 1998 shall be required to comply with the provisions of this section, although an initial site plan approval shall not be required. Site plan approval shall be required for all campgrounds which expand in area or add additional structures.
2. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on July 31, annually. The license shall be displayed conspicuously at all times at the site of the campground.
3. Prior to license renewal, the campground shall be inspected by the enforcement officer. Such license shall not be renewed until certified by the enforcement officer as operating in compliance with 1) all New York State laws, rules, and regulations governing campgrounds, and 2) all site plans, conditions and approvals granted by the town. The license holder shall provide acceptable evidence to the enforcement officer that the campground is being operated in compliance with New York State law, rules and regulations.
4. The enforcement officer shall not enter the premises of any private property without the consent of the license holder. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal. Refusal to allow the enforcement officer

to enter the premises for the purpose of inspection shall be cause for the denial of an unapproved license, or the revocation of an approved license by the town board.

5. The town board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a hearing shall be held by the town board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least five days prior to the hearing. At the hearing the town board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the town board decide to revoke a license, the reasons for such revocation shall be stated in the town board minutes. The license holder shall be immediately notified of the revocation by certified mail.
6. Should any campground license be revoked or fail to be renewed, the license holder shall cease and desist from operating a campground and shall remove all mobile homes, recreational camping vehicles, tents, etc., and appurtenant structures from the premises within 60 days.

Section 566. Campgrounds, Class B

1. Any existing Class B campground within the town shall be required to comply with the provisions of this section, and a site plan approval shall be required as of July 1st. Site plan approval shall also be required for all Class B campgrounds which expand in area or add additional structures.
2. Campgrounds shall be located where orderly development can be undertaken in harmony with the development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the campground, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
3. Campgrounds shall have generally level to gently rolling topography over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.
4. Campgrounds shall be free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, odors, heat, glare, or toxic or volatile substances.
5. Campgrounds shall have a minimum size as indicated below:
 - 2 campsites – 4 acres, minimum
 - 3 campsites – 6 acres, minimum
 - 4 campsites – 8 acres, minimum
6. Campgrounds shall have a minimum frontage of 220 feet.
7. All campsites shall contain a contiguous area of at least 500 square feet that has a slope of 3% or less. All campsites shall face on, and be serviced by internal roads.
8. No campsite, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located less than 75 feet from the campground's front lot line or less than 25 feet from a side or rear lot line.

9. Campgrounds shall have a single entrance road located either directly opposite or not less than 125 feet from the nearest intersection of public roads, if any. Entrance roads shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road, shall intersect public roads at right angles and at compatible grades and shall meet the Town of Pinckney Road Standards.
10. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles.
11. Water supply and sewage disposal systems shall be designed by a licensed NYS Engineer or Architect, and constructed in compliance with New York State Health Department and Environmental Conservation Department requirements.
12. Recreational camping vehicles shall not be parked for occupancy in a campground for more than 180 days in any one year, unless a winterized service building is provided. However, the campground operator may designate an area of the campground to be used to store no more than one unoccupied recreational camping vehicles for longer periods than 180 days.
13. Campgrounds shall be developed and operated in compliance with the design and licensing provisions set forth in 10 NYCRR Subpart 7-3.

Section 570. Junkyards

1. The outdoor storage or deposit of three or more junk vehicles shall be considered a junkyard and shall meet the requirements of this section.
2. No person shall operate, establish, or maintain a junkyard without a site plan approval granted by the Planning Board. The junkyard shall be in compliance with the standards of Section 136 of the General Municipal Law regulating junkyards, the standards of which are adopted herein by reference.
3. No garbage, rubbish, waste material, trash or appliances shall be stored or allowed to accumulate on the open surface of the ground in any area. Only junked vehicles and associated equipment may be stored in these areas.
4. Junkyards shall be at least 200 feet from any highway, lake, stream, or property line and 500 feet from any neighboring dwelling.
5. Junkyards shall be screened from public view by a hedge or fence.

Section 575. Major Excavations

All excavations are subject to Environmental Conservation Law, Article 23, Title 27 (Mine Reclamation Law) in addition to the following:

1. Access roads shall meet the public roads at right angles and at compatible grades.
2. Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.

Section 580. Public Utilities

1. The proposed installation in a specific location shall be necessary and convenient for the efficiency of the service 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 shall not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
3. Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.
4. All points of necessary access, or transformers, shall be placed in secure structures at ground level.
5. All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. No transformer or associated switches shall be closer than 100 feet from any lot line.

Section 581. Minor Wind Power Generating Facilities and Wind Test Towers

1. Setback from road centerline: 50 feet plus the height of the structure from the base of the structure to the highest point a turbine blade reaches, minimum.
2. Setback from side and rear lot lines: 10 feet plus the height of the structure from the base of the structure to the highest point a turbine blade reaches, minimum.
3. All minor wind power generating facilities and wind test towers located in Hamlet zones shall also comply with the provisions of Section 582, subsections 4., 5., and 6. of this law. However, a bond certificate shall not be required to ensure the removal of the structure.

Section 582. Major Wind Power Generating Facilities

1. Setback from road centerline: 100 feet plus the height of the structure including rotor radius, minimum.
2. Setback from side and rear lot lines: 300 feet, minimum. The Planning Board may waive setback requirements from adjacent property lines if such adjacent properties are also participating in the siting of the wind power project.
3. Setback from any existing residential structures: 1000 feet, minimum.
4. Screening: Deciduous or evergreen tree plantings may be required to screen portions of the facility from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. At least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

5. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence at least eight feet in height.
6. Noise. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced by wind turbine tower operation shall not exceed 50 decibels, measured at the boundaries of all the closest parcels that are owned by non-owners of wind turbine tower sites that abut wind turbine tower site parcel(s).
7. Removal. The applicant shall submit to the Planning Board a letter of intent committing the wind power generating facility owner, and his/her successors in interest, to notify the Zoning Officer within 30 days of the discontinuance of the use of the wind generating facility. This letter shall be filed with the Zoning Officer prior to issuance of a permit, assuming the wind power generating facility is approved according to this section. Obsolete or unused wind turbine towers and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the obsolete or unused wind turbine towers and associated accessory structures in accordance with these regulations shall be a violation of this chapter and shall be punishable according to Section 865 of this law. A bond certificate shall be required to be maintained at all times to cover costs of demolition in the case of abandonment of wind generating facilities by the owner.

Section 585. Streams, Wetlands and Water Bodies

1. The regulations of this section shall apply to all land within 100 feet of the following areas:
 - a. wetlands classified pursuant to 6 NYCRR Part 664;
 - b. streams classified as "D" or higher pursuant to 6 NYCRR Chapter X, Subchapter B;
2. The following activities are prohibited:
 - a. dumping of waste materials, junk, refuse or anything that would alter the quality of the water, or the character of the area;
 - b. feed lots.

Section 590. Mobile Homes

1. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976). The applicant is responsible for providing adequate evidence that these standards have been complied with. Acceptable proof shall include the presence of a permanent certification label fixed to the mobile home by the manufacturer indicating such compliance.
2. Mobile homes shall be used only as a dwelling, except upon issuance of a temporary zoning permit as provided for in Section 815 of this law.
3. All mobile homes, other than temporary mobile homes approved pursuant to Section 815 of this law, shall be provided with the following:
 - a. anchoring;
 - b. concrete block, wood, metal or vinyl skirting;
 - c. concrete pad 6 inches thick or greater;
 - d. factory manufactured roof pitch of 3/12 (about 14 degrees) or more, with shingle, shingle-like, or metal roof;

- e. exterior walls of traditional site-built appearance made of clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes; masonry; wood board-and-batten; or “Texture 1-11” exterior plywood; but not including artificial masonry, or fake board-and-batten made from metal.

Section 595. Telecommunication Towers

1. **Temporary Special Use Permit Required:** Telecommunications towers shall be sited only upon approval of a temporary special use permit issued for a maximum period of five years. Such permit application shall be reviewed by the planning board pursuant to the authority of New York State Town Law Section 274-b, and pursuant to the procedures of Article 6 of this law. The public hearing as provided for in Section 645 of this law may not be waived. Such permit may be issued or extended upon proof by the owner or operator that 1) the facility is in use as a transmission facility, and 2) that there is a necessity for the tower at the particular location for which application is made. Where such temporary special permit is not renewed, the tower shall be removed from the premises within 60 days.
2. **Shared Use:** Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
3. **Setbacks:** Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain ice-fall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors and accessory facilities.
4. **General Aesthetics:** All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
5. **Lighting:** Towers shall not be artificially lighted except for 1) a single red aviation warning light on the top, or 2) as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
6. **Tower Design:** Whenever feasible, tower construction shall be of a “monopole” design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide colocation by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.

7. **Signs:** Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
8. **Vegetation:** Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
9. **Screening:** Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
10. **Fencing:** The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.
11. **Access and Parking:** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.
12. **Utility and System Connections:** All utility connections shall be installed beneath the ground surface. Where technologically feasible, connections between telecommunications towers and the system of which they are a part shall be made by use of land line cable rather than parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.
13. **Financial Security for Demolition:** The owner/operator shall provide a demolition bond or other security acceptable to the town for the purpose of removing the facility in case the applicant fails to do so upon the revocation, expiration or the nonrenewal of the special use permit.
14. **Annual Inspection:** Towers shall be inspected annually on behalf of the tower owner/operator by a New York State licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the enforcement officer no later than December 31 of each calendar year.
15. **Annual Radiation Emission Certification:** The owner/operator shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such annual certification shall be delivered to the enforcement officer during the month of December

of each calendar year. This requirement shall be considered an implied condition to any site plan, special use permit and/or use variance granted for the facility.

16. **Maintenance:** All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs which may be undertaken at any time with prior notice to the enforcement officer.

ARTICLE 6. SITE PLAN REVIEW

Section 605. Authority

The Planning Board of the Town of Pinckney is hereby authorized pursuant to Town Law Section 274-a to review and approve, approve with modifications, or disapprove site plans within the town as designated in accordance with the standards and procedures set forth in this law.

Section 610. Applicability

All nonresidential uses on any site or lot, and all multi-family dwellings of over two families shall be required to have a site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

Section 615. General Review Criteria

The planning board shall require that all site plans comply with the following general review criteria:

1. That the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
2. That the site is designed so as to be in harmony with the comprehensive plan for the community;
3. That parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
4. That access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system;
5. That the internal circulation of the site is arranged so as to minimize impacts on the town road system;
6. That the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. That any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
8. That signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
9. That any changes to existing drainage patterns, or increased drainage due to development activity has no negative impacts on adjacent property;
10. That proposed water supply and sewage disposal facilities are adequate;
11. That development activity complies with all other standards and requirements of this law.

Section 620. Application

The zoning officer shall refer any application for a zoning permit which requires a site plan review to the planning board. An application for a site plan review shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by town board resolution shall be paid to the town clerk. Six copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, northpoint, written and graphic scale;
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the town;
5. Location and ownership (name and address) of all adjacent lands as shown on the latest tax records (the applicant shall be responsible to notify all adjacent land owners of the application for site plan approval);
6. Location of all zone district boundaries;
7. Location, name, and existing width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
16. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size and design of all proposed signs;
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service *Engineering Field Manual* (EFM) and *New York Guidelines for Urban Erosion and Sediment Control*, or other erosion and sediment control manual recognized by the planning board;
22. An agricultural data statement pursuant to Town Law Section 283-a, when applicable;
23. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809.
24. An environmental assessment form (EAF) and, where required, a draft environmental impact statement (EIS);

25. Other elements integral to the proposed development as considered necessary by the planning board.

Section 625. Waiver of Submission Requirements

The planning board may waive any of the submission requirements listed in Section 620 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

Section 630. Environmental Impact Review

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review regulations) in cooperation with other involved agencies in the review of any site plan.

Section 635. Review

Upon a determination by the planning board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in Section 615 above and the general regulations for all uses as outlined in Article 5 of this law.

Section 640. Variance

During the course of the review, should the planning board determine that a site plan approval may not be feasible without the granting of a variance as defined by Town Law Section 267, the planning board may at any time refer the application and site plans to the zoning board of appeals for the consideration of such variance.

Section 645. Public Hearing

The planning board may conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 650. County Planning Board Review

At least 10 days before the hearing, the planning board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239-m to the Lewis County Department of Planning prior to final action. This includes any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. Such referral shall be to the Lewis County Department of Planning for their recommendations thereon. If the Lewis County Department of Planning does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

Section 655. Waiver of Public Hearing

The planning board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

1. The use is a Type I SEQR action and the use is determined by the planning board to have environmental significance;
2. The use is over 1000 square feet of floor or ground area;
3. The use is over 20 feet in height;
4. The use is within 200 feet of a DEC designated wetland area, within 200 feet of a stream with a DEC classification of C or higher, or in a FEMA designated floodplain area;
5. The use is determined by the planning board to be of a publicly controversial nature; or
6. The applicant has requested a public hearing.

Section 660. Final Action

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the planning board where such hearing has been waived pursuant to Section 655 above, the planning board shall act on application. The time within which the planning board must render its decision may be extended upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the form of a written statement to the applicant stating whether or not the application is approved, approved with modifications, or disapproved. The decision of the planning board shall be filed in the office of the town clerk within five business days of the decision, and a copy mailed to the applicant.
2. If the application is approved, and upon payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the application and site plans.
3. If the application is approved with modifications, the planning board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to town, and upon approval of the modified application and site plans, the planning board shall endorse its approval on a copy of the application and site plans.
4. If the application is disapproved, the statement shall contain the reasons for such findings. In such case, the planning board may recommend further study of the application and resubmission after it has been revised or redesigned.

Section 665. Report to County Planning Department

Within 30 days of final action on any matter referred to the county planning board pursuant to Section 650 above, the planning board shall file a report of the final action it has taken with the county planning board.

ARTICLE 7. NONCONFORMITIES

Section 710. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 720. Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a width, depth or area less than the minimum requirements set forth in this law, may be developed for any use allowed in the zone in which it is located, as designated in Article 4 of this law, provided that such lot has sufficient width, depth and area to undertake development which will:

1. Maintain the required minimum frontage;
2. Maintain at least 2/3 of the required minimum setbacks from side and rear lot lines.

Section 730. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to setbacks or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see Section 740 below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated in Article 4 of this law.

Section 740. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

1. No nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. No nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished; and
3. A site plan approval shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use.

Section 750. Nonconforming Structures Damaged or Destroyed

Any structure which is nonconforming as to use, setbacks, lot coverage, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

Section 760. Nonconforming Signs

Nonconforming signs shall be allowed to continue in a nonconforming manner until the advertised use is terminated, or the sign is structurally changed or replaced.

ARTICLE 8. ADMINISTRATION AND ENFORCEMENT

Section 805. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 12 months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
6. Siting of a recreational camping vehicle for occupancy for more than 14 days in a calendar year, whether on a continual basis or not.

Section 810. Zoning Permit Exceptions

A zoning permit shall not be required for:

1. All decks attached or detached that are 16 square feet or smaller and set back from the property lines a minimum of 10 feet. Setback from the road line shall be equal to existing buildings.
2. All constructed out-buildings that are detached and smaller than 64 square feet setback from property lines a minimum of 10 feet. Setback from the road line shall be equal to existing buildings.
3. Fences or walls complying with Section 510 of this law;
4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
5. Minor accessory structures such as posts, sidewalks, driveways, playground equipment, home fuel heating tanks, etc.;
6. Satellite dishes setback from the center of the road 35 feet or equal to the height of the dish and setback from property lines to equal to the height of the dish;
7. Family day care homes and group family day care homes;
8. Signs that are eight square foot or less and surface mounted;
9. Home businesses that comply with Section 535 of this law;
10. Agricultural uses and timber management.

Section 815. Temporary Zoning Permits

1. Temporary zoning permits may be issued upon approval of the planning board for a period not to exceed six months for temporary uses and structures incidental to a construction project. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any non-conforming uses or structures upon expiration of the permit. The planning board may place such appropriate conditions on the use so as to protect the character of the surrounding area. A temporary zoning permit may be extended by the planning board one time for a period of six months.

2. Temporary permits may be issued in the following circumstances:
 - a. for one interim dwelling or recreational camping vehicle on an individual lot during the construction of a single-family or two family dwelling on such lot;
 - b. for one emergency dwelling or recreational camping vehicle on an individual lot, when the need for such dwelling resulted from the loss by flood, fire, or other disaster of an existing dwelling within the Town.
3. All interim or emergency dwellings or recreational camping vehicles shall meet Part 7 of the New York State Sanitary Code.

Section 820. Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the zoning officer or town clerk and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road center lines, mean high water lines of streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the town clerk.
2. When establishing measurements to meet the required setbacks, the measurements shall be taken from the lot line, road center line, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
3. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application by the zoning officer and the payment of all fees.
4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

Section 825. Permit Fees

A fee as determined by town board resolution shall be paid for each application for a zoning permit and site plan approval. No permit shall be issued until full payment has been received by the town clerk.

Section 830. Certificate of Compliance

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within five days after the use has been approved as complying with the provisions of this law.

Section 835. Temporary Certificate of Compliance

A temporary certificate of compliance for not more than 60 days for a part of a building or lot may be issued upon approval of the planning board. Such temporary certificate may be renewed upon request for an additional 30 days.

Section 840. Unapproved Lots

No zoning permit or certificate of compliance shall be issued for any use or structure on any lot which has been filed in the office of the county clerk after the effective date of the Town of Pinckney Subdivision Control Law, unless such lot is included in a plat which has been approved by the planning board and filed with the office of the county clerk, or was exempt from said regulations at the time of filing.

Section 845. Zoning Officer

This law shall be enforced by the zoning officer, who shall be appointed by the town board. The duties of the zoning officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance;
2. Scale and interpret zone boundaries on the zoning map;
3. Refer appropriate matters to the board of appeals, planning board, or town board;
4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Investigate violations, issue stop work orders, and refer violations to the town board;
6. Report at regular town board meetings the number of zoning permits and certificates of compliance issued.

Section 850. Zoning Board of Appeals

1. The zoning board of appeals shall consist of five members as set forth in Section 267 of the Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the General Municipal Law and Section 284 of the Town Law to establish a cooperative zoning board of appeals. In the event of a cooperative zoning board of appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 267 of the Town Law as may be set forth in that agreement.
2. The powers of the zoning board of appeals shall be to interpret this law and to grant area variances and use variance in accordance with the standards set forth in Section 267-b of the Town Law and as may be otherwise provided by law.
3. The procedure before the zoning board of appeals shall be in accordance with Section 267-a of the Town Law except as may be specifically modified by intermunicipal agreement should the town elect to enter into a cooperative zoning board of appeals, in which event such procedures shall be strictly governed by the intermunicipal agreement.
4. This local law specifically supersedes those provisions of Section 267 of the Town Law requiring that there be three or five members of the board of appeals, that the terms be staggered, that the town board select the chairman, and the voting power of members of the zoning board of appeals in the event that the town should enter into an intermunicipal agreement pursuant to Section 284 of the Town Law and Article 5-G of the General Municipal Law in which event the intermunicipal agreement shall govern those factors.

Section 855. Planning Board

The planning board shall have the powers to approve site plans. All applications made shall be made in writing on forms prescribed by the town. Every decision of the planning board shall be made by resolution which shall contain a full record of findings in the case.

Section 860. Filing of Records

1. A copy of all zoning permits, temporary zoning permits, certificates of compliance, notices of violation, and stop work orders shall be immediately filed in the office of the town clerk, upon issuance by the zoning officer.
2. A copy of all site plan review decisions of the planning board and all decisions of the zoning board of appeals shall be filed in the office of the town clerk within five business days of the decision.
3. All such records shall be available for the inspection of the public.

Section 865. Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the zoning officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within 10 days the zoning officer shall consult with the town board on taking action to compel compliance.
2. Upon town board approval and pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.
3. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 6 months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of 5 years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 6 months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of 5 years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed 6 months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

ARTICLE 9 MISCELLANEOUS PROVISIONS

Section 910. Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR

Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 920. Interpretation

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 930. Separability

Should any article, section, subsection, sentence or clause of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 940. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.