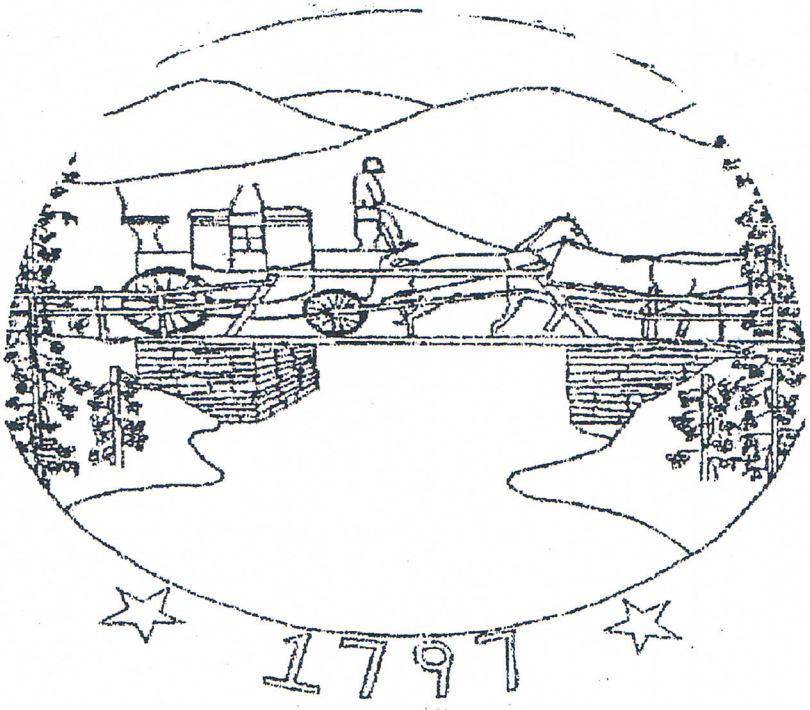
TOWN OF BRIDGEWATER



ZONING LAW

ZONING LAW FOR THE TOWN OF BRIDGEWATER
ADOPTED October 1995, amended 1998, 2001

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ZONING LAW FOR THE TOWN OF BRIDGEWATER
ADOPTED October 1995, amended 1998, 2001

ARTICLE I Enacting Clause, Title, Purposes, application and Definitions

Section 101 Enacting Clause:

The Town Board of the Town of Bridgewater in the County of Oneida enacts and publishes as follows.

Authority:

In accordance with Article 9 of the Town Law of the State of New York, the Town has the authority to enact local laws for the purpose of promoting the health, safety or general welfare of the Town including the protection of the property of its inhabitants. By the same authority, the Town may include in any such Local Law provision for the appointment of any municipal officer or employees to effectuate such Local Law.

Section 102 Title

This Local law shall be known as the "Zoning Law of the Town of Bridgewater 1995-1".

Section 103 Purposes

The purpose of this zoning local law and the zoning districts and regulation herein set forth and as outlined on the zoning map are to provide for the orderly growth of the town to encourage the most appropriate use of land, to protect and conserve the value of property, to prevent the overcrowding of land and to promote the health, safety and welfare of the public.

Section 104 Application of Regulations

No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or building be used designed or arranged to be used for any purpose except in conformity with this Local Law, with the exception of the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or heating/ventilation systems. New home construction of a septic system or the replacement of a septic system will require the construction to be in compliance with this Local Law and in accordance with appendix 75A of 10 New York Codes Rules and Regulations (10NYCRR).

In interpreting and applying this Local Law, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals and general welfare. This Local Law shall not be deemed to affect in any manner whatsoever any easements, covenants or other agreements between parties provided, however, that where this Local law imposes a greater restriction upon the use of buildings or land or upon the creation, erection, construction, establishment, moving, alterations or enlargement of buildings than are imposed by other Local Laws, rules, regulations, licenses, certificates or other authorizations or by easements or covenants or agreements than the provisions of this Local Law shall prevail.

This Local Law shall not apply to uses that were legal, prior existing, nonconforming uses as defined herein.

Nothing herein contained shall require any change in plans or construction of a building for which a building permit has been issued.

Section 105 Validity

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court to be invalid, or void, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 106 New York State Uniform Fire Prevention and Building Code

No provision of this Local Law shall be construed to repeal, modify or constitute an alternative to the New York State Uniform Fire Prevention and Building code (hereafter referred to as the Uniform Code).

Section 107 Definitions

Except where specifically defined herein, all words used in this zoning law shall carry their customary meanings. Words used in the present tense shall include the future tense and the plural includes the singular; the word "lot" includes the word "plot", the word "buildings" includes the word "structure", the word "shall" is always mandatory; the words "occupied" or "used" shall be construed to mean and shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

The following terms are specifically defined. As used in this Zoning Law the following words shall have these meanings:

Accessory Use: Use of buildings customarily incidental and subordinate to the principal use of buildings, and located on the same lot.

Agricultural data statement: means an identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which an action requiring municipal review and approval by the planning board, zoning board of appeals or town board pursuant to article sixteen of the town law is proposed, as provided in section three hundred five-a of the Agriculture and Markets Law.

Alteration: Structural change, rearrangement, change of location, addition to, or deletions from a building, other than repair and modification in building equipment systems (i.e. heating, cooling, electrical, etc.)

Animal Hospital: Any structure under veterinary supervision for the treatment of sick or injured animals.

Arcade: Any establishment having three (3) or more video or pinball games.

Basement: (see cellar) A story partly underground and having one half or more of its clear height above the average level of the adjoining ground. A story, which has one or more walls completely above ground, shall not be considered a basement. The basement shall not be considered in determining the permissible number of stories.

Zoning Board of Appeals: That Board appointed by the Town Board, specifically to hear all appeals as provided by these regulations and other duties specifically set forth in this Local Law or as assigned to it by the Town Board.

Boarding House: Owner occupied dwelling wherein three or more people are sheltered for profit.

Buffer Zone: A continuous strip of trees and/or shrubs densely planted to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, smoke, noise, or other noxious or objectionable elements.

Building: A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons animals or property.

Building, Accessory: A building, subordinate to the principal building on the lot and used for purposes customarily incidental to that of said main building.

Building, Front Line of: The line of that face of the building nearest the street line, or if there are street lines on two or more sides of the building, it is the line of that face of the building frontage on that street line where the principal entrance is located. This face includes covered porches whether enclosed or unenclosed, but does not include steps.

Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

Building, temporary: A "temporary building" or "temporary structure" is one erected, constructed or placed upon the premises, to exist there for a brief or temporary duration of time, not exceeding six months. All other buildings or structures shall be deemed and considered as permanent for the purposes of this Local Law.

Camp, seasonal: Land on which is located one cabin, recreation vehicle shelter or other accommodation suitable for seasonal or temporary living purposes, exclusive of mobile dwellings, primarily for the use of the owner.

Camp, Day: Any land including any building thereon used for any assembly of persons for what is commonly known as "Day Camp" purposes, whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

Camp Ground: A parcel of land used or intended to be used, let or rented for occupancy by persons utilizing recreational vehicles, tents or other such forms of recreational dwellings.

Cellar: A story partly underground and having more than one-half of its clear height below the average finished grade of the adjoining ground. A story, which has one or more walls above ground, shall not be considered a cellar. The cellar shall not be considered in determining the permissible number of stories.

Certificate of Compliance: A certificate issued by the Zoning Officer upon completion of construction, alteration or change in occupancy or use requirements of this zoning law only and such adjustment thereto granted by the Board of appeals and/or the Planning Board.

Club Membership: A group of persons organized in accordance with the Not-For- Profit Corporation Law for social and/or recreational purposes. (i.e. Fish and Game Club)

Child Day Care: Shall mean care for a child on a regular basis provided away from the child's residence for less than 24 hours per day by someone other than the parent, stepparent, guardian or relative with the third degree of consanguinity or the parents or stepparents of such child.

Child day care does **not** refer to care provided in:

1. A summer day camp, traveling summer day camp or children's overnight camp as defined in the State Sanitary Code;
2. A program for school age children operating for the purpose of religious education, sports, classes, lessons or recreating;
3. A facility providing day services under an operating certificate;
4. A facility providing day treatment under an operating certificate issued by the Office of Mental Health or by the Office of Mental Retardation and Developmental; or
5. A kindergarten, pre-kindergarten or nursery school for children three years of age or older, or a program for school age children conducted during non school hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such kindergarten, pre-kindergarten, nursery school or program is located on the premises or campus where the elementary or secondary education is provided.

Child Day Care Center: Shall mean a program or facility in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those school age child care program, as defined in this section.

Community Center: Any meeting hall, place of assembly, museum, art gallery or library, not operated primarily for profit.

Community Residence: A supervised community home operated in compliance with the New York State Mental Hygiene law which houses not more than fourteen (14) individuals and provides client supervision on a 24 hour service. For the purpose of this Local law an approved community residence as defined herein is considered a one-family dwelling.

Convalescent Home, Nursing Home or Extended Care Facility: See Hospital.

Coverage: That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, utilities, mining, dredging, filling, grading, paving, excavation, or frilling operation, which would lead to increased flood damage, excluding normal maintenance to farm roads.

Disposal Transfer Station: A solid waste management facility, other than a recyclable handling and recovery facility exclusively handling non-putrescible recyclable, that can have a combination of structures, placed in other transportation units for movement to another solid waste management facility.

Domestic Animal: Animals commonly kept as household pets including, but not limited to: dogs, cats, caged birds, rabbits, guinea pigs, non-poisonous snakes, fish turtles, frogs, mice and ferrets, Species of animals which are considered harmful (i.e. poisonous) to humans shall not be considered domestic animals for the purposes of this zoning law.

Drive-In Services: Buildings or use where a product is sold to, or a service performed for customers while they are in or near their motor vehicle including, but not limited to, fast food restaurants, drive-up bank tellers, film processing service booths, etc.

Dwelling: A detached building designed or used exclusively as living quarters for one or more families; the term shall not be deemed to include automobile court, motel, boarding or rooming house, mobile home, recreation vehicle, tourist home or tent.

Dwelling, one Family: A dwelling containing one dwelling unit only.

Dwelling, Two Family: A dwelling containing two dwelling units only.

Dwelling Multi-Family: A dwelling containing three or more dwelling units.

Dwelling Unit: A building, or portion thereof, providing complete housekeeping facilities for one family.

Educational Institution, Private: Any non-public school or other organization or institution conducting a regularly scheduled curriculum or study similar to that of the public schools and operated under the Education Law of New York State and recognized by the appropriate educational authorities.

Factory – Manufactured Home (Modular Home): A factory-manufactured home incorporates structures or components designed for residential occupancy, component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Such home shall be constructed and installed in accordance with the requirements of Subchapter B of the State Fire Prevention and Building

code and shall bear an Insignia of approval issued by the State fire Prevention and building code council.

Family: One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

Family Day Care Home: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care on a children for compensation or otherwise, except as provided below. The name, description or form of the entity, which operates a family day care home, does not affect its status as a family day care home. For the purpose of this Local Law, a family day care home shall be considered an accessory use to a one family dwelling unit.

Farm Animal: Animals commonly kept for agricultural purposes, including, but not limited to, cattle, horses, sheep, pigs, goats and chickens.

Farm Operation: The land used in agricultural production, farm buildings, equipment and farm buildings, equipment and farm residential buildings.

Floor Area of a Building: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, excluding basement or cellar floor areas and not devoted to habitable use, but including the area of roofed porches and roofed terraces, All dimensions shall be measured between exterior faces of walls.

Floor, Lowest: Lowest level including basement, cellar, crawl space or garage of lowest enclosed area.

Frontage: The extent of a building or a lot along one public street as defined herein.

Garage, Private: An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service in conducted for profit herein, nor space therein for more than one car is leased to a non-resident.

Garage, Public: Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, adjusting or equipping of automobiles or other motor vehicles.

Gasoline Station: Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubrication, washing, or servicing vehicles, but not including painting or body repairs.

Gasoline Station-Market: A gasoline station which provides one or more additional commercial services such as a restaurant, dairy bar, beverage market or food market, or such a commercial use which also provides for gasoline sales. For the purpose of this definition, sales from vending machines are not considered commercial service.

Group Family Day Care Home: Shall mean a family home which is a personal residence and occupied as a family residence which provides child day care of a regular basis for more than three hours per child, from seven to twelve children, for compensation, except as provided below. Such home must be operated by a provider and have at least one assistant present during the hours that care is provided. The name, description or form of the entity, which operates a group family home, does not affect its status as a group family day care home.

Habitable Floor Area: Any floor usable for living purposed, which includes working, sleeping, eating, cooking, recreation or combination thereof. A floor used only for storage purposes is not habitable.

Home Occupation: An occupation or profession which:

A) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit;
B) Is carried on by a member of the immediate family residing in the dwelling unit;
C) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes;
D) Not more than two (2) persons outside the household may be employed.

DOES NOT INCLUDE a commercial stockyard or kennel, restaurant, animal hospital, mortuary establishment, vehicle service or vehicle dismantling activities.

HOSPITAL: Hospital, sanitarium, clinic, rest home, nursing home, convalescent home, home for aged and any place for diagnosis and treatment of human ailments, except a doctors' office.

Hotel/Motel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room may be provided within the building or in an accessory building.

JUNK: Shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, scrapped, ruined, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material, tires, lumber, pallets, and other wood debris.

Junkyard: Outside storage or deposit, whether in connection with another business or not, where one (1) or more unregistered, old or second hand vehicles no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes or used parts or waste materials from motor vehicles and/or material defined as junk by this zoning law, which, taken together equal in volume one hundred (100) cubic feet. A junkyard shall include any land or structure used for collecting, storage, sale or disposal of junk, scrap metal or other discarded materials. NOT INCLUDED is a motor vehicle intended,

maintained and used on a seasonal basis, (i.e. motorcycles and winter or summer cars, wood truck, plow truck, classic or vintage vehicle for restoration, or a vehicle intended for repair and reuse by the owner, provided such vehicle is intact, located in other than the front yard, and has a tarp or other covering to retain the existing quality of that vehicle.

Kennel: Any building or land or part thereof used for harboring five or more dogs over six months old.

Laundromat: A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

Lot: Land occupied or which may be occupied by a building and its accessory used, together with required open space, having no less than minimum area, width and depth required for a lot in the district in which such land is situated; and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a zoning permit.

Lot area: Total area within property lines.

Lot corner: A lot located at the junction of and fronting on two or more intersecting streets. (see definition of **"lot line front"**)

Lot Depth: The mean horizontal distance from street right-of-way line of the lot to its opposite rear line measured at right.

Lot Width: The horizontal distance from street between the side lines, measured at right angles to the lot depth.

Lot lines: The property lines bounding a lot as defined herein.

Lot line, front: In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each street line shall be considered a front lot line.

Lot line, Rear: The lot line which is generally opposite the front line, if the rear line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line, Side: The property line or lines extending from the front lot line to the rear lot line.

Mobile home: Any vehicle or combination thereof, used, designed for use, or capable of being used for complete housekeeping purpose, including cooking, sanitation and sleeping for one or more persons, originally designed to be moved from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle whether propelled by its own power of another vehicle to which it may be attached, and whether the axle or carriage to which the wheels may be affixed are detachable or detached regardless of whether it is

attached or unattached for permanent foundation, and irrespective of the name or title assigned or designated by the manufacturer of that unit or any other person. Such a vehicle must have attached to it a seal certifying the Mobile Home complies with federal construction standards. A prefabricated dwelling built to State Building Codes Regulations, or a sectional dwelling, and all travel trailers, truck campers and motor homes shall not be considered a mobile home.

Mobile Home Parks: Any area of land or a building designed as a parking space for two or more mobile homes which are used for living purposes in space leased or rented commercially, whether currently occupied or currently open for public occupancy.

Motel: See Hotel.

Motor Vehicle Repair Shop: Any building or structure used for repair and servicing of motor vehicles for profit or as part of a commercial operation.

Non-conforming Building: A building, which in its design or location upon a lot does not conform to the regulation of this Local Law for the district in which it is located.

Non-conforming Lot: A lot of record existing at the date or the passage of this Local Law which does not have the minimum width or contain the minimum area for the zone in which it is located.

Non-conforming Use: Any use of any building, structure or land use existing at the time of enactment of this Local Law which does not conform to the Use regulations of the district in which it is situated.

Nursing Home or Convalescent Home: See hospital

Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Parking space: An off street space available for the parking of one motor vehicle on a transient basis and having a width of ten (10) feet and an area of not less than two hundred (200) square feet, exclusive of passageways and driveways, and having direct usable access to a street.

Principal use: The main or primary use to which a lot or building is or is intended to be used.

Recreation, indoor: Includes, but not limited to, bowling alley, theater, table tennis, pool hall, skating rink, gymnasium, swimming pool, hobby workshop, arcade and similar places of indoor recreation.

Recreation, outdoor: Includes but is not limited to, golf courses, golf driving range, trap, skeet, archery range, swimming pool, hunting preserve and similar places of outdoor recreation.

Recreation Vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self propelled motor homes, pop-up and motorcycle trailers intended for camping purposes.

Recyclable Handling and Recovery Facility: A solid waste management facility, other than collection and transfer vehicles, at which recyclable are separated from the solid waste stream, or at which previously separated recyclable are collected.

Religious Institution: Church, temple, parish house, convent, seminary and retreat home.

Retail Store/Service: Enclosed store for sale of retail goods and services including, but not limited to, the following: barber, beauty, dry clean, personal service shop, department store and restaurant/tavern. **Service,** including, but not limited to, Freestanding retail stand, gasoline station, gasoline station-market, motor vehicle repair service, new and used car sales and service Trailer and mobile home sales and service.

School: Parochial, private and public school, college, university and accessory uses operated under the Education Law of the State of New York and recognized by the appropriate educational authorities, and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

School Aged Child Care Program: a program or facility providing school-age child care (care provided on a regular basis to mare than six school-age children under 13 years of age or who are incapable of caring for themselves) during the school year to an enrolled group of children before and/or after the period children enrolled in such program are ordinarily in school or during school lunch periods and may also include such care during school holidays and those periods of the year when school is not in session including summer vacation.

Self Service Storage Facility: A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-storage facility.

Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any persons or business or cause when such is placed in view of the general public.

Awning sign: Any visual message incorporated into an awning attachment to a building.

Copy Change Sign: A sign on which the visual message may be periodically changed.

Directional Sign: A sign limited to providing information on the location of an activity, business or event.

Free-Standing Sign: Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall type signs.

Illuminated Sign: Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Off-Premise Sign: A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign: A sign, whether on its own trailer, wheels or otherwise, designed to be moveable and not structurally attached to the ground, a building, a structure or another sign.

Projecting Sign: A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

Representational Sign: A three-dimensional sign built so as to physically represent the object advertised.

Temporary Sign: A sign related to a single activity or event having a duration of no more than fifteen (15) days.

Wall Sign: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Window Sign: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Sign Directory: A listing of two or more business enterprises, consisting of matrix and sign components.

Sign Structure: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty (30) degrees. Each side shall be considered a separate sign structure.

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

Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

Special use: A specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Street: Public way for vehicular traffic, which affords principal means of access to abutting properties.

Street Line: right-of-way line of a street as dedicated by a deed of records. If no such deed exists, then by any other records establishing such right-of-way line of a street.

Structure: A combination of materials to form a construction for use, occupancy or ornamentation, including, but not limited to, buildings, mobile homes, towers, wind energy conservation systems (WECS), antennas, satellite dishes, or gas or liquid storage tanks, that are principally above ground.

Substantial Improvements: Any repair, reconstruction of improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(a) Before the improvement or repair is started; (b) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health , sanitary or safety code specifications which are solely necessary to assure safe living conditions; (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of historic Places.

Swimming Pool: A structure or receptacle for water having a depth greater than one foot (1ft), used for swimming or wading, above or below ground installation, and shall exclude portable plastic pools designed to hold less than 100 gallons of water.

Tourist home: Owner occupied dwelling in which overnight accommodation, with or without meals, is provided for transient guests for profit, Term includes "Bed and Breakfast" establishments.

Trailer: Any vehicle which may be towed and used for carrying or storing foods, equipment, machinery, construction materials, snowmobiles, boats, all terrain cycles (ATC), jet ski, lawn mowers, motor vehicles or as a site office.

Utility, public: Any person, firm, corporation or governmental subdivision, duly authorized to furnish to the public, under public regulation, electricity, gas, water, sanitary sewers, storm sewers, steam, telephone, telegraph or cable television.

Veterinary Facility: Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

Yard: An unoccupied space, open to the sky, on the same lot with the building structure.

Yard, Front: An open unoccupied space on the same lot with the building, situated between the front line of the building and the street line and extending the full width of the lot.

Yard, Rear: The area of the lot extending across the entire rear of the lot, bounded by the real property lot line and the rear building line and between the two side lot lines.

Yard, Side: The area between the side building line and the related side lot line and between the front yard and the rear yard.

ARTICLE II ADMINISTRATION

SECTION 201 ENFORCEMENT

The duty of administering and enforcing the provisions of this Local Law is hereby conferred upon the Zoning Enforcement officer, who shall have such powers as are conferred upon him by this Local Law and as reasonably may be implied therefrom. He shall be appointed by the Town Board and shall receive compensation, as the Town Board shall determine. The Zoning Enforcement Officer shall have such other and further duties as may be assigned by the Town Board pursuant to this Local law or otherwise.

The Town of Bridgewater, it's Elected Officials and Appointed Officials, hereby disclaim liability and responsibility for any inaccuracies, mistakes or errors contained within the Zoning Law and enforcement of the same.

SECTION 202 DUTIES OF THE ZONING ENFORCEMENT OFFICER

A. Inspection and Review

It shall be the duty of the Zoning Enforcement Officer, or his duly authorized assistants, to cause any plans, building or premises to be examined or inspected to determine that they are not in violation of the provisions of this Local Law.

The Zoning Enforcement Officer and all his duly authorized assistants shall be entitled to enter any building or premises (which includes the internal premises such as basement, etc.) for the purpose of inspection, observation, measurement, testing and records examination in performing his duties set forth in this Local Law and for the further purpose of ascertaining whether the provisions of this Local Law are met and all requirements are being complied with. Persons or occupants of premises to be entered shall allow the Zoning Enforcement Officer and/or his assistants ready access at all reasonable times to all parts of the premises to carry out the actions specified herein. Where any owner or occupant has security measures in force which would require proper identification and clearance before entry into their premises, the owner or occupant shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town will be

permitted to enter without delay, for the purposes of performing their specific responsibilities.

The Zoning Enforcement officer or any of his duly authorized assistants seeking to enter private property pursuant to the provisions of this Local Law may enter such property on the consent of the owner or occupant. In the event such consent is denied or if said Zoning Enforcement officer or assistant determines that it is preferable to obtain a search warrant without first seeking such consent, said Zoning Enforcement Officer or assistant shall be entitled to obtain a search warrant pursuant to the applicable provisions of this local Law from a court of competent jurisdiction to compel the owner or occupant to permit immediate entry and inspection.

Notwithstanding, the provisions contained in the immediately preceding paragraph, in the event an emergency situation exists, said Zoning Enforcement officer and/or assistants shall be entitled to immediately enter upon any private property for the purposes set forth in this Local Law either with or without a search warrant.

B. Violations and Written Orders

Where the Zoning Enforcement officer, in the course of his duties, determines that any plans, buildings or premises are in violation of the provisions of his Local law, he shall order the responsible party in writing to remedy such conditions. Said written order shall comply with the provisions of this Local law.

C. Revocation of Certificate of Compliance

On the serving of notice and failure to comply with the time limits specified in such notice by the Zoning Enforcement Officer to the owner of any violation any of the provisions of this Local Law, any Certificate of Compliance previously issued for such buildings or use shall be held null and void. A new Certificate of Compliance shall be required for any further use of such building or premises.

D. Records

The Zoning Enforcement Officer shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Town Board and other officials of the town. The records to be maintained shall include at least the following:

(1) Application File
An individual permanent file for each application for a permit provided for by this Local law shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents and plans; notations regarding pertinent dates and fees, and the like, as appropriate; One (1) copy of the resolution of the Planning Board and/or Zoning Board of appeals in acting on the application of such action is required; and the date the permit applied for was issued or denied by the Zoning Enforcement Officer, as well as a copy of any permit issued by the Zoning Enforcement Officer and any

correspondence sent or received by the Zoning Enforcement Officer regarding such application.

(2) Monthly Reports

The Zoning Enforcement Officer shall prepare a monthly report for the Town Board. Said report shall cite all actions taken by the Zoning Enforcement Officer, including all referrals made by him, all permits and Certificates issued and denied; all complaints of violations received and all of this monthly report shall also be transmitted to the Board of Appeals at the same time it is transmitted to the Town Board.

SECTION 203 CERTIFICATES AND PERMITS

The Certificates and permits enumerated herein are hereby established for the equitable enforcement and administration for the provisions of this Local Law.

A. Zoning Permit

The Zoning Enforcement officer is hereby empowered to issue a zoning Permit for any plans regarding the construction or alteration of any building or structures or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Local law.

B. Temporary Use Permit

Upon written direction of the Planning Board, the Zoning Enforcement Officer is hereby empowered to issue a temporary use permit. A Temporary use permit shall only be effective for a period not to exceed twelve (12) months; such permit may be extended by the Zoning Enforcement officer not more than once for an additional period not to exceed six (6) months.

C. Special Use Permits

Upon written direction of the Zoning Board of Appeals, the Zoning Enforcement Officer is hereby empowered to issue any Special Use Permits provided for by this Local law.

D. Certificate of Compliance

The Zoning Enforcement Officer is hereby empowered to issue a Certificate of Compliance which shall certify that all provisions of this Local Law have been complied with in respect to the locations and use of the building, structure or premises in question.

SECTION 204 APPLICATION PROCEDURES

A. Application

Applications for zoning permits shall be accompanied by a layout sketch, drawn to scale, showing the shape and dimensions of the lot to be build upon, the size and location of all buildings or structures proposed as well as those that shall remain, the intended use of each building or structure, and any such other information with regard to the lot and neighboring lots, buildings and/or structures as the Zoning Enforcement Officer may in his discretion deem necessary to determine and provide for the enforcement of this Local law. Applications, together with a layout sketch shall be submitted in triplicate. The Zoning Enforcement Officer shall carefully consider the application and supporting documents for compliance with this Local Law and either issue or deny the zoning permit applied for. When the application is for any non-residential use within the Town the Zoning Enforcement Officer shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board for site plan review. (see Article IV)

B. Issuance of Zoning Permit

The Zoning Enforcement Officer shall issue a zoning permit only after the site plan, if required, has been approved by the Planning Board and all required variances and special use permits have been obtained.

C. Installation of Foundation

The Zoning Enforcement Officer shall be notified that the site is prepared for installation of the foundation of a structure, and shall inspect the site to check the location of the structure.

D. Initiation of Construction

If the applicant does not obtain a zoning permit within ninety (90) days after final approval, such approval shall be void.

E. Completion of Construction

A permit shall be void if construction is not substantially completed within a period of one year from the date of said permit. The Zoning Enforcement Officer may issue a six-month extension of a permit for good cause shown. Town such extensions of a permit will be allowed.

F. Location of Permit

The zoning permit shall be located in a place readily visible to the public during construction activities.

SECTION 205 FEES FOR PERMITS, AMENDMENTS, VARIANCES & SPECIAL USE PERMITS

Fees may be charged for permits issued, and processing of applications for amendments, variances and special use permits, The fee shall be set by resolution of the Town Board and may be changed for time to time in the same manner.

SECTION 206 CERTIFICATES OF COMPLIANCE

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Compliance has been issued by the Zoning Enforcement officer in accordance with the provisions of this Local Law.

SECTION 207 ZONING BOARD OF APPEALS

A. Organization

The Town Board pursuant to the applicable provisions of New York State Town Law, and applicable Local Laws and Resolutions shall appoint a Zoning Board of Appeals for the Town of Bridgewater. Hereafter being referred to as the Board of Appeals in this Local Law. The Supervisor of the Town shall appoint five (5) Town residents, one (1) if possible a farm owner. This Board having five (5) members will by appointment by the Supervisor or mutual agreement of the members choose one member to be the chairman. A secretary shall be hired for duties described in this Local Law, as well as other duties required for that position.

B. Meetings, Minutes and Records

Meetings of the Board of appeals shall be open to the public to the extent provided in Article 7 of the Public officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every questions, or is absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

C. Filing Requirements

Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

D. Hearing Appeals

The Board of appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer or other administrative official. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of

the Zoning Enforcement Officer, or to grant a use or area variance. Such appeal may be taken by any person aggrieved or, by an officer, department, board or bureau of the Town.

E. Time of Appeal

Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer by filing with said official and with the Town Clerk a notice of appeal specifying the grounds thereof and the relief sought. Such notice of appeal shall be filed on forms available from the Zoning Enforcement Officer or Town Clerk. The cost of sending or publishing any notice relating to such appeal shall be born by the appealing party and shall be paid to the Town Clerk prior to the hearing of such appeal.

F. Hearing an Appeal

A public hearing shall be held by the Board of Appeals before deciding an appeal. Such public hearing shall be advertised by publication in a paper of general circulation within the Town of a notice of such hearing at least five (5) days prior to the date thereof. When required by the provisions of Section 239 of the General Municipal Law, the Board of Appeals shall forward the application to the County Planning Board for its review. (Section 214)

When considering an application for a use variance, at least thirty (30) days before the date of the public hearing, unless such time limit is waived by the Planning Board, the secretary of the Zoning Board of Appeals shall transmit to the Planning Board a copy of the notice of hearing. The Planning Board shall inform the Zoning Board of Appeals in writing of its advisory opinion (including recommendations) prior to the hearing. Failure of time shall be deemed to signify a recommendation for approval of the application.

The Board of Appeals shall send, by registered mail, a copy of the notice of hearing to all owners of property situated within two hundred (200) feet of the property which is the subject of the application at least seven (7) days before the date of the hearing.

G. Time of Decision

The Board of Appeals shall decide upon an appeal within 62 days after the conduct of the public hearing.

H. Filing of Decision and Notice

The decision of the Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

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

The Board of Appeals shall comply with the provisions of SEQR under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, part 617 of NYCRR. The SEQR process may extend the time limits set forth in this article, specifically those set forth in Section 307.

J. Permitted Action by the Board of Appeals

Interpretations, requirements, decision and determinations of the Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determinations as in its opinion ought to have been made.

1. SPECIAL USE PERMITS

a. Procedure for Special Use Permit

1. Applications for special use permits shall be made in writing on the appropriate form. Four copies of each application, including site plan, shall be submitted to the Zoning Enforcement Officer, who shall review the application for completeness prior to forwarding it to the Town Clerk and the Zoning Board of Appeals. The Zoning Enforcement Officer shall retain one copy
2. The Board of Appeals must hold a hearing within sixty two (62) days upon receipt of a special use permit application and the Board of Appeals has an additional sixty two (62) days after the public hearing in which to render a decision on a special use permit. When necessary, under Section 239 of the General Municipal law, the Board of Appeals shall forward the application to the County Planning Board for its review. The Board of Appeal shall send by mail, a copy of the notice of hearing to all owners of property situated within 200 feet of the property at least ten (10) days before the date of the hearing.
3. Every Board of Appeals decision shall be by resolution, which shall contain a full statement of the pertinent facts in the case, and shall be recorded in the minutes.

b. Required plan for Special Use Permits

Four sets of application and site plan shall be submitted to the Zoning Enforcement Officer to portray clearly the intentions of the applicant. These documents shall become part of the record. Such site plan shall show location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine that the proposed special use complies with the intent of this Local law.

c. Special Use Permit

A special use permit may be issued when such use is listed as a use permitted with a special use permit within that specific district. Such Special Use Permit may be issued only when authorized by the Board of Appeals after considering those factors set

forth herein, provided that such use is not inconsistent with the public convenience and welfare. Such use shall be subject to conditions and safeguards that may be imposed by the Board of Appeals to protect the use of neighboring properties. Such Special Use Permit shall not be granted if it substantially changes the characteristics of the neighborhood in which the subject property is located. The Zoning Enforcement Officer, at least yearly, shall review the use of the property to determine compliance with any conditions which have been prescribed by the Board of Appeals in issuing such special use permit. Violation of said conditions shall require a review of the permit by the Board of appeals which shall have the discretion to revoke said special use permit.

d. Standards Applicable for all Special use Permits

The Board of Appeals may issue a special use permit only after it has found that all the following standards and conditions have been satisfied.

1. The location and size of the use and all structures, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to streets giving access are such that the use will be in harmony with the orderly development of the district.
2. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
3. No radio or television antenna or tower, water or cooling tower, oil or gas holder, elevator bulkhead or similar structure may be erected in excess of district height limits unless and area variance has been issued therefore.

2. Use Variance

The Board of appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, authoring a use of land which otherwise would not be allowed or would be prohibited by this Zoning Law.
.No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:

A. Under applicable zoning regulations, the applicant cannot realize a reasonable return from the property;
B. That the alleged hardship relating to the property in question is unique, and does not apply to substantial portion of the district or neighborhood;
C. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
D. That the alleged hardship has not been self created.

The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the

person standing at street level on the adjoining lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

3. A wall or fence of location, height and design approved by the Planning Board may be substituted for the required planting.

f. Conservation of steep slopes

The construction of new buildings, roads and other facilities on slopes of 15% or more grade (15% equals ½ foot rise in 10 feet horizontal distance) shall require a Special Use Permit, and a performance bond may be required. Logging on such areas shall comply with New York State Department of Environmental Conservation standards.

g. Waste containers/Dumpsters

The location of all waste containers and/or dumpsters for multi-family and non-residential uses shall be determined by the Planning Board through the Site Plan Review process. Relocation of existing waste containers and/or dumpsters shall also be subject to review and approval by the Planning Board.

8. Open Space- Industrial Districts

Where an industrial district abuts a residential district, there shall be at least one hundred (100) feet of open space within the industrial district along such abutting line, which open space shall include a buffer strip.

9. Storage of Flammable liquids, Chemicals and Explosives

The design, construction, maintenance and operation of storage facilities for flammable liquids, chemicals and explosives shall comply with all applicable laws, codes and regulations.

10. Extraction of top soil, sand gravel or stone

All land owners shall comply with the New York State Mined Land Reclamation Law, (Chapter 1043 & 1044) which requires that operators who mine more than 1000 tons of minerals from the earth within 12 successive calendar months must obtain a permit for such operations from the Department of Environmental Conservation.

11. Excavation

In any construction, open excavations shall be limited to a maximum of thirty (30) days with appropriate fencing, barricades or covering.

applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variance

The Board of Appeals shall have the power, upon appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances from the area or dimensional requirements of the zoning law.
In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

A. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the area variance;
B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
C. Whether the requested area variance is substantial;
D. Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district; and
E. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not preclude the granting of the area variance.

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of Conditions

The Board of Appeals shall, in the granting of Special use Permits, Use Variance and Area Variance, have the authority to impose such reasonable conditions and restrictions as are directly related to the incidental to the proposed use of the property, or the period of time such variance shall be in effect.

5. Solar Access

Pursuant to Chapter 74-2 of the Laws of 1979, the setting of houses to take best advantage of solar energy and/or the construction of residential solar equipment shall be considered in the application of the provisions of the Chapter. Upon appeal pursuant to this Section of this Local law the Board of Appeals shall consider the specific conditions of the case and may make provisions for, so far as conditions permit. The accommodation of solar energy systems and equipment and access to sunlight necessary thereof when hearing a request for an area variance.

SECTION 208 PLANNING BOARD

A. Organization

The Town Board and the Village Board of Trustees have joined together to form a Consolidated Planning Board for the municipality of Bridgewater. Hereafter being referred to as the Planning Board in this Local Law.
The Planning Board shall consist of members appointed by the Village Trustees and the Town Board pursuant to the applicable provisions of New York Town Law, and applicable Local Laws, resolutions and municipal agreements. The Supervisor of the Town will appoint three (3) Town Residents, one if possible a farm owner, and the Mayor of the Village will appoint two (2) Village residents. The Planning Board will have five (5) members and by appointment from the Supervisor and the Mayor or by mutual agreement of the members a Chairman will be chosen. A secretary will be hired for the described duties in this Local Law, as well as other duties required by that position.

B. Powers and Duties

Powers and duties of the Planning Board shall be as follows:

1. Review Variances- Review in an advisory capacity variances referred to the Planning Board as set forth in Section 207.
2. Temporary Uses and Structures- Grants permits for temporary uses and structures.

    a. The Planning Board may direct the Zoning Enforcement Officer to issue a temporary permit for the period of time not to exceed 12 months, for incidental non-conforming uses and structures as follows:

        1) Temporary uses incidental to a construction project.
        2) Temporary real estate sales office incidental to a subdivision.
        3) Other similar temporary incidental uses which:
            - In no way exert a detrimental effects upon the lawful use of land and activities normally permitted in the Zone in Question; and
            - Contribute materially to the welfare and well being of the town.

    b. Permits shall be conditioned upon an agreement by the applicant to remove the use upon expiration of the permit.
    c. Permits may be reissued a maximum of one time for additional periods of six (6) months.

3. Other Powers and Duties - The Planning Board shall have such other powers and duties as are provided by law, including this Local Law or as are otherwise assigned to it by the Town Board.

SECTION 209 VIOLATION AND PENALTY

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy and land, building or structure or part thereof in a manner not permitted by an approved zoning permit or Certificate of Compliance.

B. Any person violating any provision of this Local Law shall be served by the Zoning Enforcement Officer with a written Notice of Violation and Correction order stating the nature of the violation found to exist, the remedy ordered and providing a time limit for the satisfactory correction thereof. Unless a different time limit is provided by this Local Law for the correction of any violation, which alternate time limit shall prevail, said notice of Violation and Correction Order shall provide a time limit of thirty (30) days for the satisfactory correction of the violation. The notice of violation shall further inform the violator of his right to appeal the Zoning Enforcement Officer's interpretation to the Zoning Board of Appeals. Service of the Notice of Violation/Correction Order shall be sufficient if directed to the owner, operator or occupant of a residence, commercial or industrial facility, as the case may be, violating the Local Law. Service of said Notice of Violation/Correction Order shall be made personally upon the alleged violator, if said violator can be found with due diligence; otherwise, service of said Notice of Violation/Correction Order shall be sufficient if service is completed by delivering the same to a person of suitable age or discretion at the actual residence, commercial or industrial facility at which said violation is occurring and by mailing the Notice to the person to be served at his/her last known residence or business address; or where service cannot otherwise be made with due diligence, by affixing said Notice of Violation /Correction Order to the door of the residence, commercial or industrial facility at which violation is occurring and by mailing said Notice to such person at his/her last known residence or place of business. It shall be unlawful for any person to fail to comply with a written Notice of Violation/Correction Order for the Zoning Enforcement Officer within the time fixed for compliance therewith.

C. It shall be unlawful for any owner, builder, architect, tenant, contractor, sub-contractor, construction superintendent or their agents, or for any person taking part or assisting in the construction, repair or use of any land, building or structure to violate any of the applicable provisions of this Local Law, or any lawful order, notice, directive, permit or certificates of the Zoning Enforcement Officer made hereunder.

D. Any violation of this section and/or this Local Law shall be punishable by a fine and/or imprisonment as set forth in New York Town Law Article 16, Section 268. Each and every week such violation continues shall be deemed a separate additional violation. A violation of this article or of this Local Law or regulation is hereby declared to be an offence, punishable by a fine or imprisonment as follows:

FIRST OFFENCE: A fine not to exceed three hundred fifty dollars ($350.00) or imprisonment for a period not to exceed six (6) months or both for conviction.

SECOND OFFENCE: (both committed within a period of five years) A fine not less than three hundred fifty dollars ($350.00) nor more than seven hundred dollars ($700.00) or imprisonment for a period not to exceed six (6) months, or both.

THIRD OFFENCE OR SUBSEQUENT OFFENCE: (all committed within a period of five years) A fine not less than seven hundred dollars ($700.00) nor more than one thousand dollars ($1,000.00) or imprisonment for a period not to exceed six (6) months, or both.
Provisions of law relating to misdemeanors shall apply to such violations.

E. The Zoning Enforcement Officer may, with permission of the Town Board, institute court action to enforce the provisions of this Local Law, or may refer the matter to the Town Board for its action.
F. Any person violating any provision of this Local Law shall be liable to the Town for any and all losses, damages and expenses incurred by the Town or for which the Town may be held liable as a result of said violation. The Town or Zoning Enforcement Officer shall have the right to obtain reimbursement for any loss, damage or expense incurred by it as a result of any violation or this Local Law.

Nothing contained in this Local Law shall prevent the Town or Zoning Enforcement Officer, either alone or in conjunction with the foregoing penalties from maintaining an action or proceeding in the name of the Town or Zoning Enforcement Officer in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Local Law.

SECTION 210 COMPLAINT OF VIOLATION

Whenever a violation of this Local Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate it. Where the Zoning Enforcement Officer finds such violation, he shall take appropriate action and/or submit the results of his investigation in writing to the Town Board if action by them is required.

SECTION 211 PROCEDURE FOR AMENDMENT

A. The Town Board may, from time to time, on its own motion, or petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Local Law after official notice has been given and a public hearing has been held by the Town Board as required by law.
B. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner and filed in triplicate, accompanied by the required fee.
C. Every such proposed amendment shall be referred to the Planning Board for a report prior to any public hearing.
D. Prior to adoption by the Town Board, a proposed amendment may, in the proper case, have to be referred to the County Planning Board pursuant to law.
E. In case of a protest against such change signed by the owners of twenty per centum or more, either of the area of the land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such

opposite land, such amendment shall not become effective except by the favorable vote of at least three fourths (3/4) of the members of the Town Board.

SECTION 212 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building or land is divided into lots, blocks or sites in violation of this act, or of any Local Law or other regulation made under authority conferred thereby, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction alteration, repair, conversion , maintenance, use or division of land, to restrain, correct or abate such violation, to prevent occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

SECTION 213 STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

A. The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit. Fund or construct, Article 8 and part 617 of title 6 of the New York Code of Rules and Regulations (8NYCRR PART 617) sets forth SEQR regulations in detail and should be reviewed for compliance prior to undertaking any of the above mentioned activities.
B. As set forth in 8 NYCRR part 617, determination of lead agency status is one of the initial steps in the SEQR process. When the Town is designated lead agency for a particular zoning action, the following boards (agencies) may typically be the lead agency for the actions identified as follows:

- Zoning Text Amendment..... Town Board
- Zoning District Amendment.....Town Board
- Special Permit.....Zoning Board of Appeals
- Variances.....Zoning Board of Appeals
- Zoning Permit.....Planning Board

When a project involves two or more separate zoning actions, the Board (agency) having the final (last) approval would typically be the lead agency. Nothing in this Section shall be interpreted to override the process for designation of lead agency status as set fourth in 8 NYCRR part 617.

SECTION 214 REQUIRED REFERRAL TO THE COUNTY PLANNING DEPARTMENT

Pursuant to section 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Oneida County Department of Planning before final action is taken.

incorporated herein and made a part of this Local Law. No building or structure shall be erected and no land used in violation of those dimensional requirements and restrictions.

A. Buildings, Uses and Lots

1. One principal building and use per lot
There shall not be more than one principal structure and one principal use on any lot in the residential/agricultural district (R/A)

2. Yard and open space for every building

No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of the Local Law shall be included, as part of the yard or other open space similarly required for another structure. Also, no yard or other open space on one lot shall be considered as a yard or open space for a building or structure on any other lot.

3. Subdivision of a lot

Where a lot is hereafter formed from part of a lot already occupied by a building, or formed from an empty lot for the purpose of the sale of a lot, such separation shall be effected so as not to violate any of the requirements of this Local Law with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued on the new lot thus created unless there is full compliance with all the provisions of this Local Law.

4. Irregularly shaped lots

Where a question exists as to the proper application of any of the requirements of this Local Law to a particular lot or parcel, the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of Section 207.

5. Required street frontage

No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street, as defined herein, which frontage provides the actual access to such structure, and which street shall have been suitably improved to the Town Board standards or a bond posted therefore to the satisfaction of the Town Board.

6. Adjacent lots

Where two or more adjacent lots are at the time of the effective date of this Local Law in the same ownership, they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Oneida County Clerk's Office.

The actions to be referred include the following:

A. Any Municipal Zoning Regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:

1. Any Municipal boundary; or
2. The boundary of any existing or proposed county or state park or other recreation area; or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
4. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated;
5. The boundary of a farm operation located in an agriculture district, as defined by article twenty-five AA of the Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.

B. Any special permit or variance affecting such real property within such distance of five hundred (500) feet. The term "special permit" shall be deemed to include any special permit, use permit, exception or other special authorization which a Board of Appeals, Planning Board or legislative body is authorized to issue under the provisions of this Local law.

Within thirty days after receipt of such referred matter, the Oneida County Planning Department shall recommend approval, modification or disapproval or the proposed action, or report that the proposed action has no significant county-wide or inter-community impact. If the Oneida County Planning Agency fails to report to the referring body within the thirty day period, or such longer period as may have been agreed upon, the Municipal body may act without such a report.

If the county Agency disapproves the proposal, or recommendations modifications thereof, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county agency. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

ARTICLE III ZONING DISTRICT REGULATIONS, ZONING MAP (schedule A)

SECTION 301 GENERAL REGULATIONS

The provisions of this Local Law shall be subject to such exceptions, additions or modifications as herein provided by the following general supplementary regulations. The dimensional requirements and restrictions set forth in Schedule "A" annexed hereto are

7. Supplementary yard regulations

a. Porches

No unroofed structure shall be considered part of a building insofar as yard requirements are concerned. A porch shall be considered a part of the building in determining the yard requirements or amount of lot coverage.

b. Visibility at intersections

On a corner lot in any district, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are twenty (20) feet distance from the point of intersection, measured along said street lines. This paragraph shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

c. Swimming pools

All swimming pools whose capacity is one hundred (100) gallons or more shall be considered accessory buildings within the provisions of Section 301 of this Local law, and shall set back from lot lines at least the minimum distance required for other buildings and structures. Pools shall be fenced and protected by a gate or other protection when required by the NYS Uniform Fire Prevention and Building Code.

d. Yard Sales

Yards will not be used to accumulate or store any unregistered vehicles, discarded equipment or materials, appliances, discarded household furniture or accessories such as stereos, radios, televisions, clothing or paper products unless related to a currently held garage or yard sale. The sale will be held no more than on a two or three day basis no more than twice in a month. Evidence of such a sale shall be removed when the time of the sale has been completed. Sales associated with public events or charitable organizations may be exempt from the time limits. Sign regulations appear in Section 508, b,1h.

e. Buffer Strip

Wherever a buffer strip is required by the Local Law, it shall meet the following standards:

1. Be at least ten (10) feet in width along any commercial or industrial lot line abutting a lot in a residential district.
2. Be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will screen the activities on the lot from view of a

B. Location of Accessory Building, Structures and Satellite Dishes

1. accessory buildings are permitted as follows:

    a. A one story accessory building having a total floor area of seven hundred fifty (750) square feet or less and a building height of not more than nine (9) feet shall not be located closer than (10) feet of the rear and side lot lines and must be located in the rear yard or side yard areas.
    b. The location of accessory buildings having a total floor area greater than seven hundred fifty (750) square feet or a building height of greater than nine (9) feet shall be located in compliance with the required yard areas of the respective district and shall not be located in front to the principal building, i.e., the front yard

2. Accessory Structures (other than buildings) are permitted as follows: (fences see Section 508) Such as children's play gyms, fireplaces, animal shelters and other kinds of home activity yard accessory.

    a. Accessory structures equal to or less than fifteen (15) feet in height, shall not be located closer than ten (10) feet of the rear and side lot lines in the rear yard.
    b. Accessory structures greater than fifteen (15) feet in height, shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building
    c. Satellite dish antennas with a diameter of ten (10) feet or with a height of (10) feet or more shall only be located in compliance with the required yard areas of the respective district (according to Schedule A of this Local Law), unless approved by the Zoning Board of Appeals.

C. Nonconforming Uses, Structures and lots

1. Lawful existing uses or structures

    Except as otherwise provided in this Section, the lawful use of land or structures existing at the effective date of this Local Law may be continued, although such use or structure does not conform to the regulations specified in this Local Law for the zone in which such land or structure is located, provided, however:

    a. That no non-conforming lot shall be further reduced in size.
    b. That no non-conforming building be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance.
    c. That no non-conforming use may be expanded.
    d. No existing conforming use shall be changed to a non-conforming use.

2. Abandonment

A non-conforming use shall be adjusted or abandoned when there occurs a cessation of any such use or activity and a failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

3. Restoration and Repair

Nothing in this Local Law shall prevent the restoration and repair or continuation of use of a non-conforming building destroyed or partly destroyed by a disaster, provided that restoration is commenced within six (6) months after date of destruction and is completed within twelve (12) months after date of destruction.

4. Reversion

A non-conforming use shall, if once changed into a conforming use, not be changed back again to a non-conforming use.

5. Alterations

A non-conforming building may not be structurally altered during its life to an extent exceeding, in aggregate cost, fifty percent (50%) of the assessed value of the building unless said building is changed to conform to the requirements of this Local law.

D. Uses Not Permitted

Uses, which are not specifically allowed by this Local Law, are prohibited.

E. Minimum enclosed living area

1. One (1) family dwellings shall have a minimum enclosed living area (not including garage but also not limited to only habitable floor area) of at least seven hundred and fifty (750) square feet per unit.
2. Two (2) family dwellings shall have an enclosed living area of at least seven hundred fifty (750) square feet per unit.
3. Multiple family dwellings shall have an enclosed living area per unit as follows:

# of bedrooms per unit	Minimum square footage
Efficiency	300
1 bedroom	500
2 bedroom	650
3 bedroom	800
4 bedroom	1000
5+ bedroom	1,000 sq. ft. Plus 150 sq. ft. for each bedroom over four (4)

F. Minimum dimensional criteria

All one (1) and two (2) family dwelling units located on individual lots shall have a minimum outside width of at least 18 feet. This provision shall not prohibit the construction of smaller additions or projections from larger unit (less than 18 feet wide) provided a 18 foot minimum width is clearly established for the overall unit.

G. Harboring of animals

Only domestic animals as defined by this Zoning law or through successful appeal to the Zoning Board of Appeals, shall be harbored within the Town. All licensing and confinement as required by law.

H. Special Flood Hazard Area Regulations

The following regulations are enacted to protect the health, safety and welfare of the inhabitants of the Town of Bridgewater for hazards due to periodic flooding. Such regulations shall apply to the construction or significant alteration or installation of any principal building or structure located or to be located in Special flood Hazard areas as designated and mapped by the Federal government. All uses shall be subject to the issuance of a special use permit.

1. Regulation

a. No structure (temporary or permanent), fill for any purpose, deposit, obstruction, storage of materials or equipment or other uses shall be permitted which, acting alone or in combination with existing or future uses, will unduly affect the efficiency or the capacity of the floodway or unduly increase flood height, cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
b. Structures shall have a low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters (i.e. longitudinal axis parallel to the direction of flood flow, and placement approximately on the same flood flow lines as those of adjoining structures), and shall be firmly anchored to prevent flotation which may result in damage to other structures, restrictions of bridge openings and other narrowing of the stream or river. Service facilities such as electrical and heating equipment shall be constructed at or above the flood protection elevation for the particular area and shall be flood-proofed.
c. The Planning Board shall require that the applicant submit a plan certified by a registered professional engineer that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. Flood-Proofing measures may be required for all buildings and structures, other than those, which gave a low flood damage potential. Such measures may include the following where appropriate:

1. Anchorage to resist flotation and lateral movement.
2. Reinforcement of walls to resist water pressures.

3. Installation of watertight doors, bulkheads and shutters.
4. Use of paints, membranes or mortars to reduce seepage of water through walls.
5. Addition of mass or weight to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
8. Pumping facilities to relieve hydrostatic water pressure of external walls and basement floors.
9. Elimination of gravity flow drains.
10. Construction to resist rupture or collapse caused by water pressure or floating debris.
11. Elevation of structures to or above the necessary flood protection elevation.

d. New or replacement water supply systems shall be so designed as to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into the flood waters.
e. On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.
f. Residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood level.

2. Additional Requirements

In addition to the above, any such use shall meet the following requirements:

a. Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood factors for the particular area in which construction is to take place; and
b. Any structure build on pilings shall be constructed with the lowest floor elevated to at least one-foot above the 100-year flood level; and
c. Any structure built on solid fill shall be constructed at an elevation of the 100-year flood level with the lowest floor elevated to at least one foot above the 100-year flood level.

3. Subdivision review

All subdivisions (including mobile home parks) shall be planned so as to:

a. Minimize flood damage.
b. Locate and construct new utilities to minimize or eliminate flood damage.
c. Provide adequate drainage.

4. Procedure

It shall be the responsibility of the applicant to illustrate the manner in which all of the preceding requirements are to be met. The enforcement officer shall not issue a

site development permit until all requirements are accommodated in the plan of the applicant and a special permit has been authorized by the Zoning Board of Appeals.

These Special Flood Hazard Area regulations shall take precedence over other conflicting or less stringent laws and regulations.

SECTION 302 ZONING DISTRICT CLASSIFICATION

The Town of Bridgewater is hereby divided into the following zoning districts:

R/A, Residential-Agricultural District
O/S, Open Space District
R, Residential District
R/M Residential Mobile Home District
C, Commercial District
I, Industrial District

The Town of Bridgewater designates the following overlay zone:

L/C, Land Conservation Zone

Provision is also made for the creation of the following districts:

P/D, Planned Development District

SECTION 303 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

A. Questions concerning the exact location of district boundary lines as shown on the zoning map shall be resolved by the Zoning Enforcement Officer with the option of appeal of such determination by the Zoning Board of Appeals pursuant to the provisions of Section 207 of this Local law.
B. Where a district boundary line divides an existing lot of record, the regulations for the less restrictive part of such lot shall extend to the lot line in the more restrictive district or fifty (50) feet or whichever is less, provided the lot has frontage on a street in the less restricted district.

SECTION 304 R/A Residential-Agricultural District

The purpose of this district is to:

A. Insure the availability of land and prevent undue penetration of urban development into agricultural districts because residential use districts may not be compatible with the continued farming practices now enjoyed in the Town of Bridgewater.
B. Provide for growth with medium development, allowing mixed land use, support re-development of blighted or undeveloped properties and the orderly location of residential subdivision by using in-fill and in-depth zoning.
C. Permitted uses:

a. One-family dwellings built on a foundation.
b. Two-family dwellings built on a foundation.
c. Pasture, orchards, tree nurseries, and reforestation areas.
d. Farms and farm buildings for related agricultural activities.

D. Accessory uses permitted

a. Private garages
b. Customary accessory structures; tool houses, playhouses, greenhouses, not to exceed 750 sq. ft. and not to be less than 10 feet from the rear line of the lot.
c. Animal shelters for domestic pets, including horses, properly maintained.
d. Other structures such as private swimming pools and fireplaces.
e. Customary farm buildings located on the same parcel as the principal use.
f. Off-street parking
g. Roadside stands for the sale of seasonal farm produce or homemade items. Such stands are to be set back at least 30 ft from the road right-of-way, provide safe off-street parking for at least three motor vehicles, and include a driveway that permits vehicles to enter the road without backing onto it.
h. Seasonal Camp
i. Wildlife conservation and harvesting
j. Fishing and hunting preserves
k. Non-intensive outdoor recreation, non-commercial
l. Accessory buildings necessary to the principal use and which do not include any activity commonly conducted as a separate business.

E. Uses requiring a Special Use Permit

a. Multi-family housing
b. Cluster development of dwellings built on a foundation
c. Churches and other similar places of worship, parish houses, convents, and similar facilities of religious groups.
d. Public recreation areas including parks, playgrounds and playing fields
e. Public buildings, libraries, museums, public and non-profit private schools accredited by the State Education Department.
f. Customary home occupations or professional offices conducted by the residents.
    1. Approval for home occupation is non-transferable; any change of home occupation requires a new application.
    2. Provided they are carried on in conjunction with the residential use of the property by residents, and with no evidence except sign.
    3. A home occupation does not include a commercial stock yard or kennel, restaurant, animal hospital, mortuary establishment or vehicle service establishment or vehicle dismantling activities.
g. Hospitals, colleges that are licensed or accredited by New York State.
h. Public utility uses
i. Development off flood hazard areas, Special Flood hazard Areas designated by the Federal Government, swamps, wetlands, streams, lakes, steep slopes,

and agricultural districts certified by the New York State Department of Environmental Conservation.

j. Mobile Home Parks
k. Mining operations
l. Telecommunication Facilities

SECTION 305 O/S OPEN SPACE DISTRICT

A. Purpose: To delineate those essentially open, natural and forested areas in the Town and to insure that the uses permitted therein are compatible with and do not destroy or detract from these important natural qualities.
B. Permitted uses

1. Agricultural practices
2. Forest practices, nursery
3. Fish, game clubs, wildlife management area
4. Seasonal dwelling, camp, fishing hunting lodge
5. Trail – snowmobile, equestrian, hiking
6. Public park, recreational areas

C. Special Use Permits required:

1. One-family dwelling
2. Commercial recreation

SECTION 306 Residential Districts

1. Purpose: To delineate those area where predominantly single-family residential development has occurred or is likely to occur in accordance with the Town Plan; To maintain the quality of residential areas by requiring lot and building standards which accurately reflect existing conditions and service potential; and to protect the integrity of residential areas by prohibiting the intermixture of residential and incompatible non-residential uses.
2. Permitted Uses:

a. One-family, two-family dwellings
b. Existing farm
c. Public school, park
d. Church, cemetery
e. Accessory building use

3. Special Use Permits:

a. Home occupation
b. Cluster development
c. Public utility

SECTION 307 R/M RESIDENTIAL MOBILE HOME DISTRICT

1. Purpose: To recognize and provide for those areas which have been developed for mobile home court purposes prior to the adoption of these regulations.
2. If a mobile home park is proposed or currently exist with five (5) or more mobile homes, said mobile home park must not only conform with the Local laws contained within this document, but must also conform with part 17 of 10 New York Codes Rules and Regulations "Mobile Home Parks". Plans for mobile home parks of five (5) or more units must be approved by the Oneida County Health Department. A site plan review is required for Mobile home Parks of two (2) or more mobile homes by the Planning board.
3. Mobile home parks may be permitted in the R/A District provided the following standards and requirements are complied with:

A. Size

The size of all mobile home parks shall be a minimum of ten (10) acres.

B. Construction and Safety Standards

All mobile homes within the park shall comply with the current construction and safety standards set forth by the U. S. Department of Housing and Urban Development.

1. Mobile homes shall have a minimum enclosed living are of seven hundred and fifty (750) square feet.
2. Solid fuel burning devices shall not be permitted within any mobile home in a mobile home park.

C. Layout and Design

1. Double Access

All mobile home parks containing twenty (20) or more units shall have access to a public highway at two (2) points, with such points being separated by at least one hundred (100) feet. The Planning Board may waive this provision if the applicant's proposal contains acceptable alternatives for emergency access.

2. Buffer Zone

The site shall be located and laid out so that no mobile home is located within 100 feet of any adjacent public highway right-of-way or within 35 feet of any other adjoining property line. Additional buffer areas may be required by the Planning Board if deemed necessary in order to avoid potential conflicts with existing or planned land uses.

3. Sales area

   Commercial areas may be provided for the display and sales of mobile homes within the confines of the mobile home Park, except on the frontage established in the buffer zone. Model units shall only be placed upon individual lots, limited to one (1) unit per lot.

4. Other Principal Structures

   A private conventional residence may be located within the confines of the mobile home park. Lot location and minimum distances shall be fixed by the Planning Board after due consideration of each case.

5. Interior Roadways

   The layout of interior roadways, driveways and walkways shall be designed and maintained in such a manner as to provide for safe efficient and orderly vehicular and pedestrian traffic acceptable to the Planning Board. In addition, all interior roadways shall be clearly identified by signs at each intersection. Such signs shall be acceptable to the Planning Board.

6. Roadway (or driveway) Clear Zone Width

   Roadways shall have a minimum clear zone width of forty (40) feet which is completely clear of obstructions to a height of twelve (12) feet.

7. Roadway Grades

   The maximum roadway grade shall be seven (7) percent. Entrance gradients shall be less than three (3) percent for a distance of seventy-five (75) feet from the edge of the right-of-way of the public highway.

8. Minimum Radius

   The minimum radius of curvature for any street shall be seventy-five (75) feet.

9. Alignment

   Roadways shall be laid out so as to intersect as nearly as possible at right angles, and in no case shall any angle or intersection be less than seventy-five (75) degrees. Roadways in four way intersections shall be directly across from one another or offset a minimum of 125 feet.

Roadway or driveway pavement shall be located in the center of the roadway clear zone and shall be at least twenty (20) feet wide or as designated by the Planning Board.

11. Parking

Two (2) parking spaces shall be provided for each mobile home lot to meet the needs of occupants of the mobile home park and their guests without interference with normal movement of vehicular or pedestrian traffic. Such parking may be in tandem. Each parking space shall have minimum dimensions of at least ten (10) feet by twenty (20) feet per vehicle and shall have an all weather surface.

12. Auxiliary parking

Auxiliary parking areas for motor vehicles shall be provided at a ratio of one (1) parking space to every five (5) mobile home units. Additional auxiliary parking areas are to be provided for parking trucks, maintenance equipment, boat trailers, utility trailers and similar such equipment.

13. Mobile Home Lot Size

All lots shall be a minimum of eight thousand (8,000) square feet, exclusive of any common areas and shall have a minimum dimension of eighty (80) feet across the lot. No common areas such as buffer zones, roadway clear zones, auxiliary parking lots, recreational areas, service buildings and areas, sales areas, etc., shall be counted towards required individual mobile home lot areas.

14. Walkways shall be laid out so as to connect service buildings, dry yards and storage lockers with roadways. Walkways shall also provide access to recreation areas if such areas are not located adjacent to the roadway. Each roadway shall have a walkway running parallel to it, separated from the roadway by a minimum distance of seven (7) feet. Additional walkways may also be placed along the rear of each lot. All walkways shall be a minimum of three (3) feet wide and thickness of four (4) inches and shall be provided with joints so designed as to minimize cracking. All walkways shall be made of concrete or blacktop or other similar material approved by the Planning Board.

15. Recreation Areas

Recreation areas shall be provided in central locations at an amount equal to ten (10) percent of the total park area. Recreation areas shall include playgrounds for children and separate areas for more passive enjoyment by adults. The playgrounds shall be equipped with play equipment for children under ten (10) years of age and should be away from traffic.

16. Public Telephones

If public telephones are provided within the court, they shall be located directly adjacent to service buildings.

17. Mailboxes

Mailboxes shall be located in compliance with U.S. Postal Service regulations and shall not be placed in any location where they constitute a safety hazard to pedestrians or to vehicles.

18. Trees

All existing trees shall be preserved insofar as possible in the design of the park.

D. Siting of Mobile Homes

Mobile homes shall be so situated within the mobile home park in conformance with the following:

1. The following minimum distances shall be maintained when providing specific location of mobile homes as related to each other within the park:
    a. Laterally – (side of a mobile home facing the side of another) Thirty (30) feet
    b. Longitudinally – (end of one mobile hone facing the side of another) Twenty (20) feet
    c. Perpendicularly – (end of one mobile home facing the side of another) twenty-five (25) feet
2. In cases of irregularly shaped lots, the Planning Board shall determine the application of the above listed provisions but in no case shall any two (2) mobile homes be closer than twenty (20) feet from one another.
3. No mobile home shall be located less than fifty (50) feet from any service or storage building other than approved accessory buildings located on and serving the specific mobile home lot as set forth in sub-section E, paragraph 12 of this section.
4. The minimum setback from the roadway line (clear zone rather than pavement) shall be fifteen (15) feet. Minimum setback from all interior lot lines shall be five (5) feet.
5. The percent lot coverage from an individual mobile home lot shall be no greater than twenty-five (25%) percent.
6. The minimum distance between a mobile home and a parking space for a motor vehicle shall be ten (10) feet.
7. No occupied travel or vacation trailer or other form of temporary type living units shall be permitted in a mobile home park.

8. Every mobile home lot shall be clearly identified by a number located on a sign or light post located on the lot.

E. Required Improvements

1. Water and Sewage System
   Water supply and sewage collection/treatment facilities shall be installed and maintained in compliance with the requirements of the New York State Health Department, Department of Environmental Conservation and the Oneida County health Department.
2. Underground Utilities
   Electrical systems, gas piping systems, cable and telephone wires, and community and individual fuel storage shall be installed underground and maintained in compliance with the NYS Uniform Law.
3. Artificial Lighting
   Artificial lighting shall be provided form dusk to dawn to illuminate walks, driveways, roadways and parking spaces for the safe movement of pedestrians and vehicles. Specifically, roadway lighting standards shall be provided as follows:
   a. Overhead roadway lighting standards shall be placed no farther than one hundred (100) feet apart, have a minimum clearance above the pavement of twelve (12) feet and shall have a minimum capacity of 100 watts or as specified by the Planning Board.
   b. Service buildings shall have sufficient exterior lighting fixtures so as to properly illuminate entrances and drying yards connected therewith.
4. Refuse Disposal
   It shall be the responsibility of the park owner to insure that garbage and rubbish shall be collected and properly disposed of outside the park as frequently as may be necessary to insure that garbage receptacles do no overflow. This responsibility shall include either the provision of garbage cans with tight fitting covers to each unit or dumpsters, which service a number of units. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, incident or fire hazard. Suitable screening shall be provided for all community refuse (dumpster) areas.
5. Roadway Paving
   All roadways within the park shall be paved for a minimum width of twenty (20) feet in accordance with specifications acceptable to the Planning Board.
6. Parking Area Paving
   Areas for motor vehicle parking and access driveways shall be surfaced asphalt or concrete.
7. Mobile Home Lot
   Each mobile home lot shall contain a mobile home stand to provide adequate support for the placement and tie down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the

mobile home as a result of any frost action, inadequate drainage, vibration or any other such forces. The material used in constructing the stand should be durable and capable of supporting the expected load regardless of the weather, and shall be constructed in compliance with the NYS Uniform Code. In addition, the footings and the load carrying portion of The ground anchors shall extend below the frost line.

8. Patios/Decks

Mobile home lots may be provided with patios and/or decks. If installed, patios and /or decks may be covered and shall conform to distance separations, lot setbacks and percent lot coverage requirements, and shall not be enclosed (insect screening is allowable).

9. Storm Water Drainage

Mobile home parks shall have adequate facilities for drainage of surface and subsurface water. The entire mobile home park shall be graded to Facilitate the safe and efficient drainage of surface water and to permit no ponding areas where water will stand for lengths of time so as to constitute a health or other hazard. Drainage ditches shall be provided where culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where deemed necessary and shall be acceptable for a size specified by the Planning Board and the Oneida County Soil and Water Conservation District. Refer to the stormwater and erosion control management plan, Article 6.

10. Landscaping

Each mobile home lot shall be provided with at least two (2) shade trees with trunks not less than one and one-half (1 ½) inches in diameter as measured three (3) feet from the ground. Poplars, silver or soft maples, box elders, catalpas, and horse chestnuts shall not be planted. The planting of elms is not recommended. Shade trees shall also be planted at intervals of not less than fifty (50) feet within the buffer areas to the sides and rear of the mobile home court. Shade trees are recommended in the buffer areas between the public highway and the adjacent mobile home lots. Due regard shall be had to the obstructive qualities of limbs and branches along mobile home movement and access ways.

11. Service Buildings

The developer shall be required to furnish service buildings in conformance with the following:

a. Service buildings shall be located in such way as to prohibit primary access directly adjacent to a mobile home lot.
b. Service buildings housing sanitation and laundry facilities or any other facilities shall be permanent structures complying with the NYS Uniform Code and the New York State Sanitary Code.
c. The service buildings shall be well lighted at all times from dusk to dawn and shall be well ventilated with screened openings, shall be constructed of such moisture proof materials, including painted woodwork, as shall permit repeated cleaning and washing, and be maintained at a temperature of at least 68 degrees Fahrenheit during the period of October 1 to June 1. The floors of such building shall be of concrete and supplied with drains.

12. Additional Structures on Mobile Home lots

Additional structures on mobile home lots are subject to the following:

a. No non-integral structural addition or other accessory building or other accessory building or structure in excess of one hundred (100) square feet shall be permitted on any mobile home lot.
b. Structural additions, accessory buildings, carports and awnings shall conform to distance separations, lot setbacks and percent lot coverage requirements.
c. Accessory buildings shall be placed in front yards.

13. Mobile Park Owners Obligations

In general, mobile home parks shall be properly maintained so as to insure the desirable residential character of the property. Specifically the following shall apply:

a. Yard Maintenance

Mobile home parks shall be maintained reasonable free from holes and excavations, sharp protrusions and other objects or conditions which might be a potential cause of personal injury. Walks, steps, driveways and roadways that contain holes or tripping hazards shall be filled, repaired or replaced as the need indicates. Trees or limbs of trees that constitute a hazard, shall be removed. Snow removal is the responsibility of the mobile home park owner.

b. Noxious Weeds

Ragweed and other noxious weeds considered detrimental to health such as a poison ivy or poison sumac shall be completely

eliminated from all areas of the mobile home park. Open areas shall be maintained free of heavy undergrowth of any description.

c. Accessory Structures

All accessory buildings or structures shall be kept in good repair, free from health, fire and accident hazards. They shall be of durable construction and appropriate for intended use and location, exterior wood surface of all structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating or paint or other suitable preservative.

d. Gravel Areas

All areas surfaced with gravel shall be kept clear of all forms of vegetation.

e. Infestation

Grounds and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for purposes of extermination shall conform with generally accepted practice.

f. Skirts

Skirts for individual mobile homes are required and shall conform to the New York State Uniform Code. Such skirting shall be installed within thirty (30) days of the installation of the mobile home and must be maintained.

14. Mobile home Park Plans and Registration of Mobile Home Park Occupants

It shall be the duty of each mobile home park owner/operator to keep a register containing a record of all mobile home owners and occupants located with the park. This register shall contain the following:

a. The name and legal address of all occupants
b. The name and address of the owner of each mobile home
c. The make, model and year and license number of each mobile home.

SECTION 308 COMMERCIAL - C

The following uses are permitted in Commercial District C:

1. Shopping Center
2. Repair store or service
3. Personal service
4. Business office
5. Restaurant, bar
6. Hotel, motel
7. Indoor recreation
8. Community
9. Private Club
10. Sale of new products, produce, goods and equipment
11. Wholesale distribution service
12. Motor vehicle, mobile home, boat, farm and contractors equipment sales
13. Freight or trucking terminal
14. Public utility facility
15. Gasoline service station
16. Car wash
17. Enclosed accessory uses
18. Gasoline station-market
19. Drive-in establishments
20. Night club/taverns
21. Self service storage facility
22. Other commercial uses upon the finding that such use us of the general character as those permitted and will not be detrimental to other uses within the district or to adjoining land use.

Commercial-C, Area, Yard, Coverage, Height

Lot area minimum:	60,000 Square Feet
Road frontage width, minimum	200 feet
Front yard minimum, depth	75 feet
Side yard minimum	15 feet each
Rear yard minimum	10% of the lot depth
Coverage Maximum	30%
Building height limit	35 feet

Supplementary Regulations

1. Site plan approval by Planning Board is required
2. There shall not be more than one entrance and one exit per establishment upon any public highway, and distance between entrance and exit if separated, shall not be less than 100 feet.
3. No entrance or exit shall be closer than 150 feet to an intersection of two public highways.

Commercial- C uses requiring Special Use Permit

1. Petroleum Products Bulk Terminal
2. Other Commercial uses

SECTION 309 INDUSTRIAL - I

1. Enclosed manufacturing industries
2. Enclosed warehouse or wholesale use
3. Public utility structure
4. Enclosed service and repair
5. Machinery and transportation equipment, sales, service and repair
6. Enclosed industrial processes and services
7. Freight or trucking terminal
8. Contractor's yard
9. Garage
10. Parking
11. Accessory building use
12. Other industrial uses upon the finding that such use us of the general character as those permitted and will not be detrimental to other uses within the district or the adjoining land uses.

Industrial - I Uses Requiring Special use Permits

1. Aviation landing field
2. Quarry

Industrial - I Area, Yard, Coverage, Height

District area minimum	50 Acres
Lot area minimum	40,000 Square Feet
Road frontage width minimum	200 feet
Lot depth minimum	200 feet
Front yard minimum	40 feet
Rear yard minimum	50 feet abutting Residential or Ag districts
Side yard minimum	50 feet abutting residential or Ag Districts
Coverage Maximum	35%
Building height maximum	Three stories or 45 feet, which ever is less

Supplementary Regulations: Site plan approval by Planning Board

SECTION 310 L-C LAND CONSERVATION ZONE

A. Purpose: to enhance community appearance; to promote the use of scenic resources for the pleasure and welfare of the citizens of and visitors to, the Town; and to safeguard against damage due to natural causes such as flooding and water pollution.
B. Permitted uses:

Uses allowed within the underlying zoning district provided that a site plan review with the SEQR process is followed and receives approval from the Planing Board. Within this land Conservation District, which includes that area 200 feet or either side of the shoreline at normal water level of those streams and waterways and such additional areas as are delineated on the map, all development will be in accord with the Planned Development Process. No permanent building or structure shall be located within fifty (50) feet of the shoreline at normal water level except as permitted by obtaining a site plan review and approval from the Planning Board and in accordance with those uses otherwise permitted in the district. All permits required by the Department of Conservation with compliance to the Law will be in effect before approval is given.

[1]SECTION 311, MINING OR EXTRACTION OF TOP SOIL, SAND, GRAVEL OR STONE

The Mining or Extraction of Topsoil, Sand, Gravel or Stone in compliance with the New York State Mined Land Reclamation law, the applicant will be holding a permit application from the Department of Environmental Conservation.
Except when incidental to the construction of a building on the same lot, the excavation and sale of sand, gravel, top soil, clay or other natural mineral deposit, or the quarrying of any kind of rock formation is subject to the approval of the Board of Appeals. Before issuing a permit for such use, the Board of Appeals shall find that such excavation or quarrying will not endanger the stability of adjacent land nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic congestion or other condition. The Board of Appeals may specify any reasonable requirement to safeguard the public health, safety and welfare in granting such permit and

1. The slope of material in such topsoil, sand, clay or other earth shall not exceed the normal angle of repose of such material.

2. The top and the base of such slope shall not be nearer than One Hundred feet to property line nor nearer than 100 feet to the right-of-way line of any street or highway.

3. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a permit and shall assure conformance with the public health, safety and welfare. The Town Board upon approval of such plan, shall require a performance bond to assure rehabilitation of commercial excavation sites in conformance therewith.

[1] section 311 (A-H district) repealed October 2001- mining or extraction adopted March 1998

4. Access drives within 200 feet of the public road shall be treated to prevent dust.

The Zoning Board of Appeals shall on its own initiative, or upon the petition of any resident within 500 feet from the commercial excavation site in question after a public hearing, have the power and authority to revoke a permit previously granted if its continued use shall be found to endanger the stability of adjacent land or constitute a detriment to public welfare, convenience or safety. Compliance with Environmental Conservation Law Part 420 State Mined Land Reclamation may also be required.

All commercial excavations must comply with the requirements of this Law, any reactivated excavations shall be considered as a new operation.

SECTION 312 PLANNED DEVELOPMENT DISTRICT

1. General Planned Development process:

   A. Change of zoning district designation. (see Section 211)
   B. Review of specific site plans for the area. (procedures Article IV, V and VI of this Local law)

2. Procedures for the establishment of a Planned Development District

   A. Pre-application conference

      Before submission of a preliminary application for approval of a Planned Development district, the developer is encouraged to meet with the Town Planning Board to determine the feasibility and suitability of the application before entering into binding commitments or incurring substantial expenses of site and plan preparation. The Planning Board may issue a letter indicating their comments and suggestions.

   B. Application procedure

      Application for the establishment of a planned development district shall be made to the Town Board. Each application shall be accompanied by a fee of fifty (50) dollars. The Town Board shall refer the application and all application materials to the Town Planning Board within fifteen (15) days of the application.

   C. Planning Board Review

      Within forty-five days of the receipt of the application the Planning Board shall recommend approval, approval with modifications or disapproval of the application to the Town Board. Failure of the Planning Board to act within 45 days or such longer period as may be consented to, including any required hearing, shall be deemed to be a grant of approval of the plan as submitted. In the event that approval subject to modifications is granted, the applicant may, within ten (10) days after receiving a copy of the Planning Board's decision, notify the Town Board in writing of his

refusal to accept all such modifications, in which case the Planning Board will be deemed to have denied approval of the application. In the event that the applicant does not notify the Town Board within said period of his refusal to accept all said modifications, approval of the application subject to such modifications, shall stand as granted.

1. Submission requirements

Application to the Town Board must include a petition for the zone change. The applicant must provide proof of full legal and beneficial ownership of the property or proof of an option or contractual right to purchase the property. The preliminary plan shall include, but not be limited to, the following:

- A completed short environmental assessment form (EAF) to comply with the provisions of the SEQR process
- A mapped preliminary development plan of the property in question. Such plan shall include all existing structures, roads and other improvements and shall indicate the circulation concept, general site location of all proposed structures, general parking scheme, the approximate acreage in each type of use and the amount, proposed use and location also indicate the location of all utilities and/or any alternative concepts for dealing with water supply, sewage disposal, stormwater drainage and electric service. Also any other requirements of the site plan review and stormwater management plan included in this Local Law.
- The applicant must demonstrate that alternative design concepts have been explored.
- A written description of the proposal including the major planning assumptions and objectives, the probable effect on adjoining properties and the effect on the overall Town Development Plan.
- A written description of the probable fiscal impacts on the natural systems of the Town.
- A written description of the probable fiscal impacts including a summary of new costs and revenues to the Town due to the development.
- Description of any solar energy systems to be incorporated as part of the proposal.

2. Review Criteria

In considering the application for the creation of a planned development district, the Planning Board may require such changes in the preliminary plans and specify such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the community. In reaching its decision on the proposed development and

changes, if any, in the preliminary plans, the Planning Board shall consider, among other things the following:

- The need for the proposed land use in the proposed location.
- The existing character of the neighborhood.
- The location of principal and accessory buildings on the site in relation to one another and in relation to buildings and uses on properties adjoining the proposed district.
- The general circulation and open space pattern relative to the structures.
- The general traffic circulation features within the site, and the amount, location and access to automobile parking areas.
- The environmental factors on the Environmental Assessment form (EAF)
- The quantity and quality of an available solar energy at the site if solar equipment is being proposed.
- The impacts of this development on the solar access of adjacent properties.

D. Planning Board Action

Establishment of a Planned Development District is a rezoning action and may be subject to the State Environmental Quality Review process. (SEQR) Therefore, the Planning Board should make a two-part recommendation to the Town Board as part of this process.

1. The Planning Board should identify the type of action and determine the lead agency.
2. Recommend a decision on the zone change itself based on the review criteria.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental statement has been filed. When the DEIS is completed, the time frame for the Planning Board review begins, if there is to be a hearing, such hearing will be held within forty-five (45) days and the Planning Board will make their recommendation to the Town Board within forty-five (45) days after the hearing. The decision of the Planning Board shall be in the form of a written resolution which shall include findings of fact and shall set forth the reasons for granting or denying tentative approval specifying, with particularity in what respects the proposal contained in the application would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

- Consistent with the statement of purpose.
- Consistent with or departs from zoning and sub-division regulations otherwise applicable to the subject property.

- Nature and extent of the common open space in the planned development district.
- The plat of the proposal.
- The relationship, beneficial or adverse, of the proposed planned development district upon the neighborhood in which it is proposed.

E. Town Board Action

The Town Board will forward the referrals to the Oneida County Planning Department as described in Section 214 of this Local Law.
The resolution required shall be filed with the Town Clerk and shall be available during regular office hours for inspection by any interested person. Upon filing of such resolution with the Town Clerk, the Town Board within thirty (30) days will hold a public hearing on said proposal after giving the public notice required by Law.
Thereafter the Town Board may amend this Local Law so as to establish the proposed planned development district and define the boundaries thereof. Such amendment of the Local law shall not constitute or imply a permit for construction or final approval of plans.
In the event that construction has not commenced within two (2) years from the date that the zoning map amendment establishing the Planned Development District became effective, the Planning Board may so notify the Town Board and on its own motion the Town Board may institute a zoning map amendment to return the planned development district to its former classification.

F. Procedure for Implementing of a Planned Development District

Upon approval of the rezoning request the applicant is required to follow the procedure explained herein:

- Concept review, before proceeding with the final design for the area, the developer is encouraged to meet with the Planning Board and the Town Board to clarify any conditions that either Board has requested.
- Planning Board Review, upon approval of the zone change, the applicant has one year in which to submit a final plan to the Planning Board. Within sixty (60) days of the receipt of the final plan, the Planning Board shall grant approval, approval with conditions or disapproval of the application.

Submission Requirements:

- Evidence of full legal and beneficial ownership interest in the land.
- A complete short or long form EAF.
- A mapped final development plan of the property in question, as required within this Local Law Article VI.

- A map showing all existing and proposed water lines, sewer lines, electric lines, natural gas lines and other utility and service lines, refuse storage and disposal and fuel storage facilities and rights-of-way.
- If the project will involve construction of new water supply and the infrastructure, new sewage treatment system and/or new or alternative power systems the design and details of such proposals must be included.
- A plan showing the treatment of Stormwater runoff, and proposed management criteria. Total number of acres in the site, the number and type of housing units, the gross and net residential densities, the approximate selling and/or rental prices of the units, the phasing plan, the approximate completion date of the entire project.
- The Planning Board may require any additional materials it deems necessary to adequately evaluate the proposed project.

Review Criteria:

- The Planning Board may confer with the Town Engineer, the Department of Environmental Conservation (DEC), the County health Department, the Oneida County Planning Department and other agencies to insure that review of those areas outside the Board's scope are being attended. Within it's own capabilities the Planning Board will use as guidelines the criteria within this Local Law, the assistance of the local highway superintendent, variances approved and the SEQR process to determine final approval.
- When compliance with SEQR is completed and within the established sixty (60) day review period the Planning Board shall recommend its findings to the Town Board and the Town Board may either grant such approval subject to the specified conditions or deny final approval and forthwith file its decision with the Town Clerk and notify the applicant thereof. NOTE: as a condition of final approval the Town Board may require a posting of bond to assure the completion of all requirements of the Planning Board including dedication, maintenance and completion of all streets, easements and open space or recreational areas, creation or extension of special districts or improvement areas, construction of storm and sanitary sewers, landscaping and such other improvements. Thereupon within ninety (90) days the applicant shall file with the county Clerk the final plat of any subdivision proposed and shall make application for a building permit or permits in accordance with the proposal as finally approved.
- No building permit shall be granted for the construction of any building or structure other than as approved by the Town Board and no improvement shall be constructed nor additional uses make at variance with the proposal as finally approved except upon resubmission and approval of the Planning Board.

with the proposal as finally approved except upon resubmission and approval of the Planning Board.

- The applicant may appeal to the Zoning Board of Appeals a decision of the Town Board denying final approval or granting final approval subject to conditions, with which the applicant is unwilling to comply. Such appeal shall be taken within thirty (30) days of the filing with the Town Clerk of the decision of the Town Board.

ARTICLE IV SITE PLAN

SECTION 401 SITE PLAN REVIEW AND APPROVAL

Site plan review shall be required for all uses excluding agricultural uses, single and two family dwellings and home occupations. Accessory buildings for these uses ate also exempt from site plan review. The Planning Board, at a regular meeting, shall review and approve, approve with modification, or disapprove a site plan in connection with any matter requiring submission of a site plan.

SECTION 402 SUBMISSION OF SITE PLAN AND SUPPORTING DATA

In addition to the site plan initially submitted by an applicant, the Planning Board may require other data to be presented in graphic form and accompanied by a written text. Such other supporting data may include, but is not limited to the following:

1. Traffic circulation, parking and loading spaces and pedestrian walks.
2. Topography and landscaping plans including site grading, landscaping design, open areas and buffer zone.
3. Preliminary architectural drawings for buildings to be constructed, floor plans, exterior elevations and sections.
4. Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary sewer facilities.
5. Engineering feasibility studies of any anticipated problem which might arise due to proposed development, as required by the Planning Board.
6. Construction sequence and time schedule for completion of each phase for buildings, parking and landscaped areas.
7. Description of proposed uses, hours of operation and expected number of employees, volume of business and volume of traffic generated.

SECTION 403 SITE PLAN REVIEW

When necessary under Section 239 of the General Municipal Law, the Planning Board shall forward the site plan to the Oneida County Planning Board for its review prior to taking any final action. The Town Planning Board shall review the site plan and supporting data before approval, approval with modifications or disapproval of such site plan, taking into consideration the following:

1. Harmonious relationship between proposed uses and existing adjacent uses.

2. Maximum safety of vehicular circulation between the site and street.
3. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety and convenience.
4. Adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent residential uses.

The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to insure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should the Planning Board require changes or additional facilities, final approval of site plan shall be conditional upon satisfactory compliance by the applicant in making the changes or additions.

Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

SECTION 404 PERFORMANCE BOND OR LETTER OF CREDIT AS A CONDITION OF SITE PLAN APPROVAL

The Town Board may require as a condition of site plan approval that the applicant file a performance bond or letter of credit in such amount as the Town Board determines to be in the public interest, to insure that proposed development will be built in compliance with accepted plans.

SECTION 405 PERFORMANCE STANDARDS

In all districts, uses are not permitted which violate applicable county, state and federal codes and regulations pertaining to environmental issues. The Planning Board, under its powers of site plan review and approval, shall decide whether uses meet these standards.

SECTION 406 OTHER DUTIES NOT IMPAIRED

The provisions of this article shall not be interpreted to limit in any way those powers and duties of the Planning Board as set forth in Article 16 of the New York Town Law.

ARTICLE V SUPPLEMENTARY REGULATIONS

SECTION 501 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered or changed in use, there shall be provided at least the minimum number of off-street parking spaces set forth under this section. All off-street parking for non-residential and multi-family use shall be designed in such a manner as to allow vehicles to exit onto a street without backing our onto it.

A. Residential Uses

1. One and two family dwellings; two (2) parking spaces for every dwelling unit.
2. Multiple family dwellings; five (5) parking spaces for every three (3) dwelling units.

3. Home occupations; Three (3) parking spaces, plus one (1) additional parking space for every two hundred (200) square feet of office space or other non-residential use. In addition to any other required spaces. If in such a home occupation, the use of commercial trucks in required, the parking of such vehicle is allowed when the owner requires it for business needs. Ample space for parking the vehicle will be according to the regulations of this local Law.

B. Motel

Three (3) parking spaces, plus one (1) space for every guest room.

C. Places of Public Assembly

One (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

D. Professional Offices

Two (2) parking spaces, plus one (1) space for every two hundred (200) square feet of office space.

E. Commercial

One (1) parking space for every motor vehicle used directly in the business, plus one (1) parking space for every two hundred (200) square feet of business area.

F. Restaurant, eating and drinking establishment (other than drive-in)

One (1) parking apace for every one hundred (100) square feet of floor area.

G. Industrial, Wholesale, Warehouse, Storage, Freight, and Trucking Uses

One (1) parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.

H. Unspecified Uses

As required by the Planning Board, based upon use intensity, turnover, customers, employees and vehicles used.

SECTION 502 OFF-STREET LOADING SPACE REQUIREMENTS

Every building occupied for the purpose of business or industry shall provide adequate space for off-street loading and unloading vehicles.

SECTION 503 MODIFICATION OF PARKING AND LOADING REQUIREMENTS

The Planning Board, under its powers of site plan review and approval, may modify requirements for parking and loading spaces.

SECTION 504 LAND ABUTTING A RESIDENTIAL USE (See section 301-A, B & E)

Wherein any district a commercial or industrial use is created adjacent to an existing residential use, a buffer strip shall be established by the non-residential use along the lot line adjacent to the residential use.

SECTION 505 GASOLINE STATION, GASOLINE STATION-MARKET, MOTOR VEHICLE REPAIR SHOP, MOTOR VEHICLE SALES AGENCY, DRIVE-IN BUSINESS, VEHICLE DISMANTLING BUSINESS

A. Gasoline stations, gasoline station-market, motor vehicle repair shop, motor vehicle sales agency, drive-in business, vehicle dismantling business shall comply with the following :

1. Lots containing such uses shall not be located within three hundred (300) feet of any lot occupied be a school, playground, library or religious institution. Measurement shall be made between the nearest respective lot lines.
2. Lot sizes shall be at least two hundred (200) feet.
3. Lot frontage shall be at least two hundred (200) feet.
4. Lot depth shall be at least two hundred (200) feet.
5. Pumps, other service devices, and fuel and oil storage shall be located at least thirty (30) feet from all lot lines.
6. Automobile parts and dismantled vehicles are to be stored within the building and no major repair work is to be performed outside the building.
7. There shall be no mare than two (2) access driveways form any street, maximum width of each access driveway shall be thirty (30) feet.

SECTION 506 PUBLIC UTILITY FACILITY

Public utility installations shall comply with the following:

1. Such facility shall be surrounded by a fence approved by the Planning Board.
2. The facility shall be landscaped in a manner approved by the Planning Board.
3. To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties.
4. Any other requirements as determined by the Planning Board.

SECTION 507 BUILDINGS AND SITES OF HISTORIC OR NATURAL VALUE

All such buildings and sites that are or may be designated by the town board shall require a special use permit before alteration or destruction.

SECTION 508 SIGNS

The purpose of this Section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising sighs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by sign overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the communities appearance and attractiveness.

This section is intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with its surroundings, the appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore such signs should convey their messages clearly and simply to enhance their surroundings.

A. Permit required

It is unlawful for any person to erect or relocate any sign other than those identified as exempt in subsection 8 of this section, within the Town without first obtaining a sign permit and paying the fee therefor as provided in this Local law.

1. Application procedure

   a. Name, address and telephone number of :

      (1) Applicant
      (2) Owner of the property

   b. Locations of the building, structure or land upon which the sign now exists or is to be erected.
   c. If a new sign is to be erected, elevation or plan drawings to scale shall be include. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall have the following:

      (1) Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
      (2) The method of illumination, if any, and the position of lighting or other extraneous devices, and a copy of the NYS Uniform Code permit (if required) related to the electrical connection.
      (3) Graphic design including symbols, letters, materials and colors.
      (4) The visual message, text, copy and content of the sign.

   d. Written consent, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.

2. Permit

Upon the filing of a completed application for a sign permit and the payment of the required fee, the Zoning Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with all requirements of this section, he shall then, within fifteen (15) days, issue a permit for the erection of the proposed sign or for and existing sign. The issuance of a permit shall not excuse the applicant from conforming to other Federal, State or Local laws, ordinances and/or regulations.
It is unlawful for any person to erect or relocate any sign other than those identified as exempt in subsection 8 of this Section, within the Town without first obtaining a sign permit and paying the fee therefor as provided in this Local Law.

B. Specific Sign Regulations

1. Exempt Signs – Require no permit

a. Historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material and emblems installed by governmental agencies, religious or non-profit organizations not exceeding six (6) square feet.
b. Flags and insignia of any government.
c. On-premises directional signs for the convenience of the general public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and six (6) feet in height, business names and advertising messages shall not be allowed as pert of such signs.
d. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
e. One on-premises sign, either freestanding or attached in connection with any residential building in any zoning district, for permitted professional office or home occupation, not exceeding two (2) square feet and set back at least ten (10) feet from the property line. Such sign shall be state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
f. Number and name plates identifying residents, mounted on house, apartment or mailbox not exceeding two (2) square feet in area.
g. Lawn signs identifying residents, not exceeding two (2) square feet (per side). Such signs are to be non-illuminated, except by a light, which is an integral part of a lamppost if, used as a support, with no advertising message thereon.
h. Private owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not to exceed four (4) days within a given month.
i. Temporary non-illuminated "for Sale, for rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential zoning district, one sign not exceeding four (4) square feet per side. In a commercial or industrial zoning district, one sign not exceeding fifty (50) square

feet set back at least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises.

j. Temporary, non-illuminate window signs and posters.

k. Holiday decorations, including lighting, are exempt from the provisions of this local law and may be displayed in any district without a permit.

l. Temporary signs advertising and/or providing directions to meetings, conventions, charitable events and other assemblies. No sign shall exceed thirty-two (32) square feet in area. Such signs must be removed one week after the event.

m. One sign, not exceeding six (6) square feet in the residential districts nor sixteen (16) square feet in the business districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress.

n. Political posters, banners, promotional devices and similar signs, not exceeding four (4) square feet in the residential districts nor sixteen (16) square feet in business districts, providing the names and addresses of the sponsor and the person responsible for removal are identified.

o. Signs required by Federal, State, County or Village regulations (i.e., NYS registered motor vehicle shop and NYS inspection stations).

p. One sign, which may be copy change sign, is permitted on the premises of a religious or non-profit organization. Such sign shall not exceed 12 square feet in area.

2. Prohibited sign and acts

No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement. No such sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.

3. Temporary signs

a. All signs of a temporary nature, except as otherwise provided by this section, shall be permitted for a period not exceeding six (6) weeks prior to the activity or event nor exceeding four (4) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in commercial or business districts nor eight (8) square feet in residential districts, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. A cash deposit equal to the fee shall be deposited with the Zoning Enforcement Officer to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written said notice shall be directed to the permit holder at the address porvided to the zoningEnforcement

Officer, on the permit application, and shall be sent to the owner by regular first class mail.

4. Permanent Signs

a. Residential Districts

(1) Signs advertising a use in a Residential District such as public or quasi-public building or buildings used solely for nonprofit, church, school, hospital or other like purposes shall be permitted provided such sign is located on the same premises as the use that it advertises. No such sign shall exceed twelve (12) square feet in area and such sign shall be located not less than ten (10) feet from property lines.

(2) For large scale multi-family developments one project identification sign shall be permitted which shall not exceed twenty-five (25) square feet in area and shall be situated no less than ten (10) feet from the property lines. The sign may include only the name of the property the street address and the presence or lack of vacancies.

b. Commercial and Industrial districts

(1) The total number of permitted signs on a single business or industrial lot shall not exceed one (1) sign per wall per use and one (1) free standing for the building.

(2) The total cumulative sign are of all signs permitted on such lot shall be calculated at the rate if two (2) square feet of sign area per lineal foot of building frontage, but in no case shall exceed one hundred fifty (150) square feet, except as provided for in sub-paragraph 5 below. In calculating the total cumulative sign area, only one side, or wall of a building shall be used. A total sign area of thirty- two (32) square feet may be permitted for any use, regardless of building frontage.

(3) The surface area of a freestanding sign shall be calculated as follows:

- Freestanding sign area up to twenty-five (25) square feet (per side) shall be deducted from the total sign area permitted on a one to one basis
- Freestanding sign area between twenty-five (25) and forty (40) square feet (per side) shall be deducted from the total sign area permitted on a four (4) to one basis
- Freestanding sign area over forty (40) square feet shall be prohibited except as set forth in sub-paragraph 5 below

(4) Where groups of two (2) or more contiguous stores are located together in a shopping center (mall or plaza) or where a lesser number of stores total not less than twenty thousand (20,000) square feet of gross leasable area, one common freestanding sign denoting the name of the shopping facility shall be permitted, not exceeding fifty (50) square feet (per side) and with bottom panel not less than eight (8) feet above grade. All other signs shall be attached to buildings of a wall or soffit type, and coordinated in material, shape, lettering, color and/or decorative elements. Total sign area permitted

for the entire shopping center shall be calculated at the rate of one 91) square foot of sign per linear foot of building frontage, and such exterior signs shall be permitted upon and identify only the uses which allow direct public access from outside the mall building.

(5) Representational signs shall not project in a direction more than four (4) feet beyond the principal structure to which they are attached or extend over a public right-of-way, and shall not exceed fifteen (15) square feet.

(6) Illuminated signs which indicate the time temperature, date or similar public service information shall not exceed thirty two (32) square feet and shall not employ less than sixty (60) percent of the total sign area, each side, for said public service information.

(7) Gasoline service stations shall additionally be permitted two (2) price/product (type of gas. i.e., regular, no lead, etc.) signs each, not exceeding six (6) square feet per side, if located on the pump island or set no closer than ten (10) feet from the edge of the pavement, not exceeding eight (8) feet above grade, nor situated so as to impair visibility for pedestrian or motorists. The sign area for these signs shall be deducted from total sign area for that building.

5. Portable Signs

A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the NYS Uniform codes. A separate permit for such a sign will be required.

6. Nonconforming signs

A non-conforming sign shall not be enlarged or replaced by another non-conforming sign. Any maintenance, repair or alteration of a non-conforming sign shall not cost more than fifty (50) percent of the current depreciated value of the sign as of the date of alteration or repair. No repair or alteration exceeding fifty (50) percent of the current depreciative value shall be made without making the sign a conforming sign.

7. Removal of signs

Any sign, existing on or after the effective date of this amendment, which no longer advertises and existing business conducted or product sold on the premises upon which such sign is located, shall be removed. In addition where a sign has been revoked for any reason, the sign shall be removed immediately.

a. If the Zoning Enforcement Officer shall find that any sign regulated in this section is not used, does not advertise a current product or service available on the property is abandon, unsafe or insecure or is a menace to the public, the Zoning Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign

within thirty (30) days from the date of the notice. If the sign is not removed or repaired within said time period, the Zoning Enforcement Officer shall revoke the permit issued for such a sign and may remove or repair the sign and assess the owner for all coasts incurred for such service

b. The Zoning Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property to be removed immediately.

8. Construction Standards

All signs shall be constructed and installed in conformance with the NYS Uniform Code.

a. Wall Sign

(1) Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the level of the second floor of the building. Such signs shall be limited to three (3) feet in height.
(2) Wall signs shall not extend more than nine (9) inches from the face of the buildings to which attached, except that copy-change may extend fifteen (15) inches.
(3) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight (8) feet.
(4) Copy-change wall signs shall be permitted on theaters only.

b. Freestanding Signs

(1) No freestanding sign shall be located less than ten (10) feet from the front property line, or less than five (5) feet from the side property line. No freestanding sign may be located less than fifty (50) feet from any other freestanding sign.
(2) If, for any reason, the property line is changed at some future date, any freestanding sign made non-conforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements.
(3) No freestanding sign shall be more than twenty-five (25) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is less, to the highest point of the sign, including supporting structures.
(4) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property line.
(5) Freestanding signs under which a pedestrian walkway or driveway passes must have ten (10) feet vertical clearance.
(6) Masonry wall-type signs shall not exceed four (4) feet in height and shall not be placed so as to impair visibility for motorists.

c. Projecting Signs

(1) Projecting signs shall not have more than two (2) faces, and shall not be more than three (3) feet in height. For the purposes of this subsection projecting signs shall be considered those signs which extend more than nine (9) inches from the face of a building, unless such sign is a copy-change which may extend up to fifteen (15) inches before being considered a projecting sign.
(2) An exterior edge of a projecting sign shall extend not more than five (5) feet from the building face, or extend over a public right-of-way or property line.
(3) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of ten (10) feet.
(4) Projecting signs shall not extend above the level of the second floor of the buildings to which attached, or in any case be higher than twelve (12) feet.
(5) No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

d. Other Signs

(1) Sign Directories

Sign directories shall contain identification of and direction to several business enterprises, but shall contain no promotion advertising.

(2) Awning Signs

a. No sign shall project from an awning.
b. Awning graphics may be painted or affixed flat to the surface of the front or sides, and shall indicate only the name and/or address of the enterprise or premises.
c. Awning graphics shall be a single line of lettering not exceeding six (6) inches in height.

c. Appeal procedures

Any person aggrieved by a decision of the Zoning Enforcement Officer relative to the provision of this section may appeal such decision in writing to the Board of Appeals as provided in Section 207 and shall comply with all procedural requirements prescribed by the Board of Appeals.
At least thirty (30) days prior to hearing such appeal, the Board of Appeals shall refer the application to the Planning Board for its review and recommendation. The Planning Board shall review such application at a regular meeting and forward its recommendation to the Board of Appeals. Failure on the part of the Planning Board to forward a recommendation within thirty (30) days shall constitute an approval.

In granting any variance for the provision o this section, the Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this section, and such will not be injurious to the neighborhood character otherwise detrimental to the public welfare, and that denial of the variance would result in practical difficulty or unnecessary hardship to the applicant.

Section 509 Fences

The installation, or replacement of a fence within the Town does not require a permit provided the following criteria are met:

A. All fencing

1. All fencing must be installed, or replaced in conformance with the NYS Uniform code. Fencing shall be located on the individual's own property and not on adjoining property or directly upon a property line.
2. No fencing shall be installed, or replaced which poses a potential hazard to either pedestrians or motorists by restricting vision.
3. It shall be up to the discretion of the property owner erecting a fence, which side of the fence faces towards his property and which side faces away from his property.
4. It shall be the responsibility of the property owner whose land contains a fence to maintain that fence so that it remains structurally sound and does not aesthetically detract from neighboring properties. The property owner is also responsible to see that any vegetation (i.e. grass, weeds) around his fence is regularly mowed. Failure on the part of the property owner to maintain his fence in accordance with these provisions shall constitute a violation of this Local law.

B. Fencing- Front Yard

1. Fencing located within front yards shall be located not closer than one (10 foot to the edge of a public sidewalk or three (3) feet from the front property line, whichever is less.
2. Fencing located in the front yard shall not exceed three (30 feet in height for closed fencing, or four (4) feet in height for open fencing. For the purposes of this section the term open fencing shall refer to fencing which is at least 75% open (i.e. chain link type fencing), fencing which is less than 75% open shall not be considered open fencing.
3. Plantings and bushes used in lieu of a man made fence as set forth above (i.e. a hedge) shall not exceed three 93) feet in height.

B. Fencing – Side and Rear Yards

Fencing located in side or rear yards shall not exceed six (6) feet in height.

incorporated herein and made a part of this Local Law. No building or structure shall be erected and no land used in violation of those dimensional requirements and restrictions.

A. Buildings, Uses and Lots

1. One principal building and use per lot
   There shall not be more than one principal structure and one principal use on any lot in the residential/agricultural district (R/A)

2. Yard and open space for every building

   No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of the Local Law shall be included, as part of the yard or other open space similarly required for another structure. Also, no yard or other open space on one lot shall be considered as a yard or open space for a building or structure on any other lot.

3. Subdivision of a lot

   Where a lot is hereafter formed from part of a lot already occupied by a building, or formed from an empty lot for the purpose of the sale of a lot, such separation shall be effected so as not to violate any of the requirements of this Local Law with respect to the existing building, including yards and other required spaces in connection therewith. No zoning permit shall be issued on the new lot thus created unless there is full compliance with all the provisions of this Local Law.

4. Irregularly shaped lots

   Where a question exists as to the proper application of any of the requirements of this Local Law to a particular lot or parcel, the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provision of Section 207.

5. Required street frontage

   No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a street, as defined herein, which frontage provides the actual access to such structure, and which street shall have been suitably improved to the Town Board standards or a bond posted therefore to the satisfaction of the Town Board.

6. Adjacent lots

   Where two or more adjacent lots are at the time of the effective date of this Local Law in the same ownership, they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Oneida County Clerk's Office.

while also serving wireless service providers to meet their technological and service objectives.

The proliferation of the construction of telecommunications towers, satellite antennas, parabolic dishes, energy-creating devices and other similar equipment and devices must be controlled so as to protect the health, safety and welfare of the citizens to the maximum degree possible; to coordinate and control the same so as to preserve and protect the visual qualities of the Town of Bridgewater and its environs. Accordingly, this amendment to the Zoning Law 1995-1 is enacted to accomplish the stated purpose and the intent of this section is to provide a means of controlling the location, installation and maintenance of such telecommunication towers. Furthermore, this law is intended to provide a safe means to maintain the character of and harmony within the Town of Bridgewater.

Among other things, reasonable controls contribute to the pleasing appearance of the Town, stabilize property values, assures the safety of property owners and the public, an in general, contribute to the preservation of a pleasant community in which to work and live.

This local law is intended to comply fully with the Telecommunications Act of 1996.

The Town of Bridgewater recognizes the increased demand for wireless communication transmitting facilities and the need for services they provide.

Often these facilities require the construction of telecommunications towers and similar facilities. The intent of this local law is to regulate the telecommunication facilities in accordance with the Telecommunications Act of 1996 by:

A. Preserving and enhancing the positive qualities of the built and natural environment of the Town of Bridgewater.
B. Avoiding potential damage to adjacent properties from tower failure, falling ice etc. through proper site planning and engineering.
C. Accommodating the need for telecommunication towers/antennas while regulating their location and number within the community.
D. Minimizing adverse visual impacts of these towers/antennas through proper site location site design and screening.
E. Requiring the shared use of towers when available, and encouraging the placement of antennas on existing structures, to reduce the number of such structures in the future. No new tower may be established if there is a technically suitable space available on an existing telecommunication tower or structure within the search area that the new cell site is to serve.

3. Definitions

As used in the local law, the following terms shall have the meanings indicated:

ACCESSORY FACILITY OR STRUCTURE – An accessory facility or structure serving or being used in conjunction with a Telecommunications tower, and located of the same lot as the telecommunications tower, including utility or transmission storage sheds or cabinets.

ANTENNA – A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include, but not be limited to, radio, television, cellular, paging, personal communications services (PCS) and microwave communications. WIRELESS TELECOMMUNICATIONS FACILITIES or TELECOMMUNCIATIONS TOWER or TELECOMMUNICATIONS SITE or PERSONAL WIRELESS FACILITY – is a structure, facility or location designed, or intended to be used as, or used to support, antennas. It includes without limit, freestanding towers, guyed towers, monopoles, and similar structures that employ camouflage technology including, but not limited to structures such as a multi story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite exclusively for the Town's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizens bands, amateur radio and other telecommunications.

EPA – The Environmental Protection Agency

FAA – The Federal Aviation Administration

FCC – The Federal Communications commission

TELECOMMUNCIATIONS – the transmission and reception of audio, video, data and other information by wire, radio, light and other electronic or electromagnetic systems.

COLLOCATION - the use of the same Telecommunications tower or structure to carry two or more antennae for the provision of wireless services by two or more persons or entities.

SPECIAL USE PERMIT – the official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the Zoning Board of Appeals.

4. Procedure for Tower Special Use Permit

   A. The owner/applicant shall submit to the Codes/Zoning Enforcement Officer a Completed building permit application and site plan. [Section 304, E, l]. Upon receipt of such application for a Special Use Permit the Zoning Board of Appeals shall follow review procedures [Article V, Section 511 of the Zoning Law 1995-1 adopted October 2001 of the Town of Bridgewater and consistent with New York State Town Law, Articles 274a & 274b] and deliver the site plan to the Planning Board for its review and recommendations.
   B. Any application requiring a Tower Special Use Permit and any other approvals from another board (i.e. Zoning Board of appeals) must receive Planning Board review prior to any action by any other board.

C. Within 62 days of receiving the completed application and fees, Site Plan review approval and written recommendations from the Planning Board, the Zoning Board of Appeals shall hold a public hearing. The Zoning Board of Appeals shall review the application for compliance with the provisions of this local law and shall determine that the location of the proposed telecommunications tower/antenna is in accordance with the principles and requirements stated herein.
The Zoning Board of Appeals will then proceed in accordance with the procedures specified in the Zoning Law 1995-1 section 207, J, 1.

D. Approval by the Zoning Board of Appeals shall be contingent upon receipt by the Town of Bridgewater a Bond in the Amount of at least $100,000. For the demolition of the telecommunication tower and said bond shall be subject to approval of the Zoning Board of Appeals and the Town Attorney.

E. The applicant shall produce proof of Liability Insurance covering personal injury, death and property damage as well as workers compensation and disability insurance.

F. Any materials (i.e. proof of continued use of tower) shall be filed by the owner/applicant or any subsequent owner/operator of the communication tower shall be filed with the Zoning Board of Appeals yearly.

5. Application of this Local Zoning Law

A. No transmission tower, telecommunication tower, communications installation, freestanding tower, satellite dish, antenna and/or pole shall hereafter be used, erected, moved, reconstructed, changed or altered except after the approval of a Telecommunications Tower Special Use Permit and in conformity with these regulations.

B. No existing structure shall be modified to serve as a transmission tower, communications installation, freestanding tower, Satellite dish, antenna and/or Pole unless in conformity with this local law.

6. Exemptions

A. The repair and maintenance of existing telecommunications towers and antennas.

B. Antennas used solely for the residential household television and radio reception.

C. Satellite antennas one (1) meter (thirty nine and thirty seven one hundredths 39.37) inches or less in diameter, building mounted installed according to the manufacturers recommendations, adequately secured and meeting all electrical code requirements regardless of the zoning district in which it is located. For safety reasons no such satellite antenna shall be placed on a fire escape, placed so as to impair ingress or egress to a building or structure nor placed within ten (10) feet of a power line.

D. Satellite antennas measuring two (2) meters [seventy eight and seventy four one hundredths (78.74) inches] or less in diameter, building mounted installed according to manufacturers recommendations, adequately secured, meeting all electrical code requirements and located in commercial districts. For safety reasons no such satellites antenna shall be placed so as to impair ingress or egress to a building or structure on placed within ten (10) feet of a power line.

E. Lawful or approved uses existing prior to the effective date of this local zoning Law.

7. Approvals and Bulk Requirements

A. Collocated/Existing Telecommunications tower:
1. At all times, shared use of existing Telecommunications Towers shall be preferred and encouraged by the Town in lieu of new facilities.
2. An antenna that is to be attached to an existing telecommunications tower or other structure is a permitted use in an R/A district. An antenna is permitted upon issuance of a building permit. The building permit application must include a certified structural analysis report from a licensed engineer in practice in New York State verifying the capability of the structure to support the antenna. The height of the new antenna shall not extend above the height of the existing structure by more than 50 feet in general and shall not exceed an overall height above the ground of 195 feet in particular.

B. New Structure Antennas (non-collocation):
1. An antenna that will not be mounted on an existing structure as defined above, or is more than 50 feet higher than the existing structure on which it is mounted, is a permitted use, as follows:
   a. Zoning District, R/A, Tower Special Use Permit, and Site Plan Review.
   b. All new telecommunications towers permitted under this local law Shall be treated as a Type 1 Action under the State Environmental Quality Review Act (SEQRA).

8. The maximum height for telecommunications towers permitted under this local law including any antennas extensions or other devices extending above the tower, measured from the ground immediately surrounding the site, shall be no more than 195 feet.

9. Tower Special Use Permit Application includes:
A. Town supplied Building Permit Application Form
B. Site Plan including a Long Environmental Assessment Form (SEQR)
C. Inventory of other telecommunications towers within a two- (2) mile radius of the proposed site.
D. A completed Visual Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key view points within and outside the municipality as identified in the Visual EAF. The Board may require submittal of more detailed visual resource analysis based on the results of the Visual EAF.
E. A grid or map of the applicants existing telecommunications tower site areas in the Town of Bridgewater and in neighboring towns or villages and for all the telecommunications tower site areas proposed or projected by the applicant for installations for a period of two (2) years.
F. Site Plan, in form and content acceptable to the Town , prepared to scale (by a licensed engineer, registered in New York State) and in sufficient detail and accuracy showing at a minimum:
   1. The exact location of the proposed telecommunications tower facility together with guy wires and guy anchors, if applicable.
   2. The maximum height of the proposed tower.

3. A detail of tower type (monopole, guyed, freestanding, other).
4. The color or colors of the tower.
5. The location, type and intensity of lighting on or adjacent to the tower.
6. A topographic survey of the proposed site and all property boundaries (a copy by a New York licensed Land Surveyor of the property instrument survey must also be provided.
7. Proof if landowners consent if the applicant will not own the property. A notarized copy of a lease agreement must also by provided if the applicant will not own the property.
8. The location of all structures on the property and all structures on any adjacent property within fifty (50) feet of the property lines, together with the distance of these structures to the tower.
9. The names of the adjacent landowners.
10. The location, nature and extent of any proposed fencing and landscaping or screening.
11. The location and nature of proposed utility easements and access road if applicable.
12. Building elevations of accessory structures or immediately adjacent buildings
13. With a nonrefundable application fee in the amount of $3,500 for a single use tower or structure that will have the capability to carry two or more antenna;
    A nonrefundable application fee of $ 500 for a collocation antenna.
    A $3,500 deposit to escrow for engineering costs if needed as determined below:

Payable to the Town of Bridgewater and deposited by the Town in an escrow account, a fund sufficient to reimburse the Town for all reasonable cost of engineering expenses to the Town of Bridgewater in connection with a review of any application. An initial deposit to an escrow account held by the town, to cover engineer expenses shall be $3,500. If at anytime during the review process this amount is depleted additional funds must be deposited with the Town before further action can proceed. If at the conclusion of the review process the cost of such engineering services is more than the amount deposited, the applicant shall pay the difference to the Town prior to the issuance of any Special Use Permit. If there is a balance in said escrow account that amount shall be refunded to the applicant.

10. "Before" and "after" propagation studies prepared by a qualified Radio Frequency Engineer (signed and sealed by a Professional Engineer registered in the State of New York) demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed Telecommunications Facility.

11. A "search ring" prepared by a qualified Radio Frequency Engineer (signed and sealed documents by a Professional Engineer registered in the State of New York) and overlaid on an appropriate background map demonstrating the area within which the Telecommunications Facility needs to be located in order to provide proper signal strength and coverage to the target cell.

A. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. 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.

B. An applicant intending to share use of an existing tower shall be required to document the intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs of adapting an existing tower or structure to a new shared use include, but are not limited to, structural reinforcement, preventing transmission or reception interference, additional site screening, and other changes, including real property acquisition or lease required to accommodate shared use.

C. In the case of new telecommunications towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure share use from existing towers. Copies of written requests and responses for shared use shall be provided.

D. The applicant must examine the feasibility of designing a proposed telecommunication tower to accommodate future demand for commercial broadcasting and reception facilities. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:
   1. The number of FCC licenses foreseeable available for the area;
   2. The kind of tower structure and nature of the proposed site;
   3. The number of existing and potential licensees without tower spaces/sites;
   4. Available spaces on existing and approved towers; and
   5. Potential adverse visual impacts(s) by a tower designed for shared usage.

12. The Zoning Board of appeals, upon reviewing the application, may request reasonable additional visual and aesthetic information as it deems appropriate on a case by case basis. Such additional information may include, among other things, enhanced landscaping plans line-of-sight drawings and visual simulations and assessment studies are mandatory for applications.

13. Tower Special Use Permit Standards

A. The following criteria will be considered by the Town prior to the approval or denial of a request for a Tower Special Use Permit. The criteria listed may be used as a basis to impose reasonable conditions upon the applicant.
Property with an existing structure suitable for collocation ("shared use")
1. R/A- Residential/Agricultural district
Any request by the Town for information of a preferred alternate site shall unreasonably delay the application.

B. Appearance: Telecommunications Facilities shall be located and buffered to the maximum extent, which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse affect on neighboring residences to the extent possible, the Planning Board may impose reasonable conditions on the applicant. Including the following:
1. The Zoning board of Appeals may require a monopole or guyed tower (if sufficient land is available to the applicant) instead of a freestanding tower (i.e., a structural lattice-type tower.

2. The Zoning Board of Appeals may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and/or to screen the tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
3. The Zoning Board of Appeals may require additional site plan requirements such as specially designed towers, additional screening, greater setbacks and improved landscaping to mitigate compatibility of surroundings.
4. The Zoning Board of Appeals may require the applicant to show that he has made good faith efforts to collocate on existing towers and/or to construct new towers near existing towers in an effort to consolidate visual disturbances.
5. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA). Towers shall be of a non-reflective finish, the color of which shall be subject to approval. Any lights, which may be required by the FAA, shall not consist of strobe lights, unless specifically mandated by the FAA.
6. No tower shall contain any signs or advertising devices. A small sign on the fencing shall be placed to identify the ownership of the facility and a telephone number for emergencies.
7. The applicant must submit a copy of its policy regarding collocation on the proposed tower with other potential future applicants. Such policy should allow collocation under the following conditions:

i. The new antenna(s) and equipment do not exceed structural loading requirements to be used by the applicant nor pose any technical or radio frequency interference with existing equipment;
ii. The party desiring to collocate pays the applicant an appropriate and reasonable sum to collocate; and
iii. The party desiring to collocate has a similar policy of collocation for the applicant.

C. Radio Frequency Effect – The Zoning Board of Appeals may impose a condition on the applicant that the communication antennas be operated only on a Federal communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPS) technical exposure limits, and that the applicant provides competent documentation to support that maximum allowable frequencies, power levels, and exposure limits for radiation will not be exceeded.

D. Traffic, Access and Safety

1. A driveway and turnaround and one parking space shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private shall be made. The use of public roadways or road right-of-ways for the siting of a tower or antenna(s) accessory structures is prohibited.
2. A fence, if applicable, shall enclose all tower and guy anchors, not less that eight (8) feet in height.
3. The applicant must comply with all applicable State and Federal regulations including, but not limited to FAA and FCC regulations.

E. Setbacks

1. All telecommunications Towers and accessory structures shall be set back from abutting residential parcels, public property or right-of-ways lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and to preserve the privacy of adjoining residential properties.
2. All Telecommunications Tower Bases must be located a minimum setback from any property line at a distance at least equal to the Tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district. , or a minimum setback at a distance which shall be established at the discretion of the Planning Board as part of the site plan approval procedures based on the unique characteristics of the site, whichever of the foregoing is greater. The minimum setback requirements of the paragraph may be increased at the discretion of the Planning Board as part of the site plan review and approval procedures, or it may be decreased in those instances where the owner/applicant has submitted plans for a Tower design in such a manner as to collapse within a smaller area.
3. All accessory structures must comply with the minimum setback requirement of the underlying zoning district.

F. Removal of obsolete/unused Telecommunications Tower Facilities- The applicant shall agree to remove the Tower if the Telecommunications Facility becomes obsolete or ceases to be used for its intended purpose for twelve consecutive months. The Planning Board shall require the applicant to provide a demolition bond in the amount of one Hundred Thousand dollars (100,0000) and a written agreement binding the applicant and/or property owner to the timely removal of the Telecommunications Facility by the Town in case the applicant fails to do so as required above. The demolition bond shall remain in full force and effect until the removal of the facility and restoration of the site to pre-development conditions.

G. Any facility receiving a Town special use Permit that subsequently does not meet the requirements of that permit shall have its permit revoked, and the Telecommunications facility shall be removed within a timely manner upon notification by the town of Bridgewater.

H. Structural safety – during the application process and every three years after construction of the Tower, the applicant/owner shall provide a certification from a qualified, professional engineer, certifying that the Tower meets applicable structural safety standards.

I. Maintenance of Telecommunications Facility – All Telecommunications facilities shall be maintained in good order and repair.

J. Expiration: The Telecommunications Tower Special use Permit and Site Plan review and approval shall expire upon:

1. The failure to commence active operation of the Transmission Tower, Telecommunication tower, communications installation, freestanding tower, satellite dish, antenna, pole, accessory facility/structure within nine (9) months of the issuance of a Telecommunications Tower Special Use permit and site plan approval by the Planning Board, or;
2. The discontinuance of the active and continuous operation of the Transmission Tower, Telecommunication Tower, communications installation, freestanding tower, satellite dish, antenna, pole or accessory facility/structure for a continuous period of twelve (12) months, regardless of any reservation of an intent not to abandon or discontinue the use or of an intent to resume active operations.
3. From time to time, the Town Zoning Board of Appeals, at the Town Board's direction, may review the Permit to ascertain the requirements; conditions and restrictions of this local law are being substantially complied with in good faith. In the event that, upon review, the Town Board finds that the facility is not in accordance with the approved building and site plans, and the requirements, conditions and/or restriction of this local law or of the Tower Special Use Permit are not being substantially complied with, enforcement procedures shall be invoked and/or the Telecommunications Tower Special Use Permit shall be canceled or terminated within a specified period of time unless the requirements are complied with after reasonable notice.
4. The owner/applicant shall certify to the Town Zoning Board of Appeals, on an annual basis by certified letter, that the demolition bond is in full force and effect and the Telecommunications Tower is in continuous use for its intended purpose.
5. The owner/Applicant shall provide the town with an address, which the Town shall use, for all notification, required by certified mail under this Article.

K. Conditions: The Zoning Board of Appeals may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Telecommunication Tower, communications installation freestanding tower, Satellite dish, antenna and/or pole, tower Special Use Permit application.

14. Procedure

A. The Zoning Board of Appeals may waive or vary any requirements in this Section for good cause shown;
B. Any application requiring a Tower special use permit and any other approvals from another Board (i.e. Zoning Board of Appeals), must receive Planning Board review prior to any other Board approvals.
C. The provisions of this Article relating to structure height and setbacks supersede the requirements set forth in other sections of this Zoning Law. An area variance shall be required if law requirements other than height and setback requirements will not be met.

15. Violation/Penalties

A. Any facility receiving a Tower Special Use Permit, that subsequently does not meet the requirements of that Permit shall have its permit revoked, and the

Telecommunications Facility shall be removed within a timely manner of the notification by the Town of Bridgewater by certified mail to the owner/applicant at the last known address.

Adopted 10/11/2001

ARTICLE VI STORMWATER MANAGEMENT AND EROSION CONTROL

NOTICE: Reference material referring the reader to certain charts, tables, maps and chapters are contained within a publication of the Department of Environmental Conservation, "Reducing the Impacts of Stormwater Runoff From New Development". This manual is available in the Town Clerks office as a reference guide to any applicant who might require access to this information.

SECTION 601 FINDING OF FACT

The Town of Bridgewater finds that uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community. Specifically,

a. Stormwater runoff can carry pollutants into receiving waterbodies, degrading water quality;
b. The increase in nutrients in stormwater runoff such as phosphorus and nitrogen accelerates eutrophication of receiving waters;
c. Improper design and construction of drainage facilities can increase the velocity of runoff thereby increasing streambank erosion and sedimentation;
d. Construction requiring land clearing and the alteration of natural topography tends to increase erosion;
e. Siltation of waterbodies resulting from increased erosion decreased their capacity to hold and transport water, interferes with navigation and harms flora and fauna;
f. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
g. Improperly managed stormwater runoff can increase the incidence of flooding and the level of floods which occur, endangering property and human life;
h. Substantial economic losses can result from these adverse impacts on community waters;
i. Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

SECTION 602: PURPOSES AND OBJECTIVES

In order to protect, maintain and enhance both the immediate and long-term health, safety and general welfare of the citizens of the Town of Bridgewater, this local law has the following objectives:

a. Prevent increases in the magnitude and frequency of stormwater runoff so as to prevent an increase in flood flows and in the hazards and costs associated with flooding;
b. Prevent decreases in groundwater recharge and stream base flow so as to maintain aquatic life, assimilative capacity and potential water supplies;
c. Maintain the integrity of stream geometry so as to sustain the hydrologic functions of streams;
d. Control erosion and sedimentation so as to prevent its deposition in streams and other receiving water bodies;
e. Facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological functions of streams; and
f. To the extent practical, secure multiple community benefits such as ground water replenishment, open space protection and increased recreational opportunity through integrated land use Stormwater Management planning.

SECTION 603: JURISDICTION

Upon approval of this local law by the Town, all site preparation and construction activities requiring approval under this Local Law shall be in conformance with the provisions set forth herein.

SECTION 604: DEFINITIONS

Unless specifically defined below, words or phrases shall be interpreted so as to give them meaning they have in common usage and to give this Local Law its most effective application. Words used in the singular shall include the plural and the plural the singular; words used in the present tense shall include the future tense, the word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

Drywell- Similar to infiltration trench but smaller with inflow from pipe; commonly covered with soil and used for drainage areas of less than one acre such as roadside inlets and rooftop runoff.
Erosion- The removal of soil particles by the action of the water, wind, ice or other geological agents.
Exfiltration- The downward movement of runoff through the bottom of an infiltration system into the soil.
Extended detention- A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release over 24 hours or more. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.
First Flush- The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The first flush in these guidelines is defined as the runoff generated from a one year 24 hour storm event from land which has been made more impervious from pre-development conditions through land grading and construction/development activities.
Flood Plain- For a given flood event, that area of land temporarily covered by water which adjoins a watercourse.

Forbay- An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.
Impervious Area- Impermeable surfaces, such as pavement or rooftops, which prevent the percolation of water into the soils.
Infiltration-A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.
Infiltration Basin -An impoundment made by excavation or embankment construction to contain and exfiltrate runoff into the soil layer.
Outfall- The terminus of a storm drain where the contents are released.
Peak Flow- The maximum rate of flow of water at a given point and time resulting from a storm event.
Peak flow Attenuation- The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.
Retention- A practice designed to store Stormwater runoff collection as a permanent pool of water without release except by means of evaporation, infiltration or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool.
Riprap- A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks or reduce runoff velocities.
Riser- A vertical pipe that is used to control the discharge rate from a pond for a specified design storm.
Swale- A natural depression or wide shallow ditch used to temporarily route or filter runoff.

SECTION 605: APPLICABILITY

A. Stormwater Management and Erosion Control plans should be prepared and reviewed for all land development projects and construction activities when it is determined that stormwater runoff and/or erosion will have a significant effect on the environment.
B. It has been established that land clearing, land grading or earth moving activities can gave a significant effect on the environment, therefore, no person, corporation, organization or public agency may on or after the effective date of the Local Law:
    1. Initiate any land clearing, land grading or earth moving activities without first preparing a **Stormwater Management and Erosion Control Plan** and obtaining approval of said plan from the Town of Bridgewater, or
    2. Alter any drainage system without first preparing a **Stormwater Management and Erosion Control Plan** and obtaining approval of said plan from the Town of Bridgewater.
C. Exemptions: The following activities are exempt from the **Stormwater Management and Erosion Control Plan requirements:**
    1. Agricultural activities, including household gardening;
    2. Development of one single-family or duplex residential dwelling units and their accessory structures such as garages and storage sheds in an existing subdivision;
    3. Development of one single-family or duplex residential dwelling not in an existing subdivision;
    4. Industrial and/or commercial development projects which result in a impervious surface less than 10,000 square feet.

5. Any maintenance, alteration, use or improvement to an existing structure which will not change the quality, rate, volume or location of surface water discharge or contribute to erosion and sedimentation.

SECTION 606 PLAN REVIEW PROCESS

A. The **Stormwater Management and Erosion Control Plan** shall be reviewed in a three-stage process:

1. Pre-submission Phase-which provides an opportunity for the community to learn of the developer's intent and for the developer to learn of the communities requirements and standards for development.
2. Preliminary Site Development Plan Phase- Which includes the submission of an application for preliminary site development plan approved for a developer. The application shall be accompanied by information about the proposal as set forth in Section Eight of this Local Law. Because it is a preliminary action and not final, Planning Board action on the proposal shall be given as tentative approval, tentative approval with modification or disapproval.
3. Final Site Development Plan Phase- If approval or approval with modification is tentatively given in the preliminary site development phase, the next step can be submission of a final application, including the necessary documentation for final approval. It is in this phase that any requested modifications be satisfied as part of final application submission.

B. The **Stormwater Management and Erosion Control Plan** shall not be approved unless it is consistent with the purposes and objectives of this Local Law in Section 602 and the Performance Standards described in Section 607, except where a variance has been granted pursuant to Section 614, or where off-site management is approved pursuant to Section 608.

C. Inspections: The applicant shall schedule the following inspections with the Town of Bridgewater Building Inspector.

1. Initial Inspection- Prior to approval of the **Stormwater Management and Erosion Control Plan;**
2. Erosion control Inspection- To insure erosion control practices have been installed in accord with the plan;
3. Bury Inspection- Prior to backfilling of any underground drainage or stormwater conveyance structures;
4. Final Inspection- When all work including construction stormwater management facilities has been completed.

D. The Town of Bridgewater Building Inspector shall inspect the work and either approve it or notify the applicant in writing in what respects there has been failure to comply with the requirements of the approved **Stormwater Management and Erosion Control Plan.** Any portion of the work, which does not comply, shall be promptly corrected by the applicant or the applicant will be subject to the bonding provisions of Section Thirteen

and the penalty provisions of Section Fourteen. The Town of Bridgewater Building Inspector may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

SECTION 607: PERFORMANCE STANDARDS

Stormwater Management and Erosion Control Plan shall be prepared in accordance with the following performance standards which have been structured to achieve the purposes and objectives of ~~this~~ Local Law ~~as well as to ensure that the quality and quantity of runoff after~~ development is not substantially altered from pre-development conditions:

A. EROSION AND SEDIMENT CONTROL STANDARDS

1. The following erosion and sediment control standards provide minimum criteria to ensure that ~~properly designed erosion and sediment control practices are factored into~~ site-specific development plans:
   a. Existing vegetation on a project site should be retained and protected as much as possible to minimize soil loss from the project site. (this will also minimize erosion control costs)
   b. Sediment control practices/measures, where necessary, should be designed to protect the natural character of waterbodies on-site as will as off-site. The practices must be in place from the start of land disturbance activities to establishment of permanent stabilization.
   c. The off-site impacts of erosion and sedimentation from the development site should not be any greater during and following land disturbance activities than under pre-development conditions.
   d. Water in the stream reaches on-site and downstream of construction areas should not have substantial visible contrast relative to color, taste, odor, turbidity and sediment deposition from the water in reaches upstream of the construction area.
   e. Sediment laden runoff should not be allowed to enter any waterbody in such quantity that would result in deposition on the bottom of the waterbody, degrade its natural biological functions, or be deleterious to the classified usage of the water.
2. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
3. Specific Guidance

   a. Exposure Restrictions:
      No more than 5 acres of unprotected soil should be exposed at any one time. Previous earthwork should be stabilized. (site factors including topography, soil erosion potential, proximity to wetlands and water courses may require limiting the amount ~~of earth that can be exposed~~, at any ~~one time~~, to less than 5 acres)

   b. Grading:
      Perimeter grading should blend with adjoining properties.

c. Vegetative Protection:
Where protection of trees and/or other vegetation is required, the location should be shown on the erosion control plan, the method of protecting vegetation during construction should be described.

d. Drainage Control:
(1) Surface runoff that is relatively clean and sediment free should be diverted or otherwise prevented from flowing through areas of construction activity on the project site. This will greatly reduce sediment loading in surface runoff.
(2) A fill associated with an approved temporary sediment control structure or permanent stormwater management structure, should not be created which causes water to pond off-site on adjacent property, without first having obtained ownership or permanent easement for such use from the owner of the off-site or adjacent property.
(3) In general, natural drainage channels[1] should not be altered. Pursuant to Article 15 of the Environmental Conservation Law, a protected stream and banks thereof should not be altered or relocated without the approval of the Department of Environmental Conservation.
(4) Runoff from any land disturbing activity should not be discharged or have the potential to be discharged off-site or into storm drains or into watercourses unless such discharge is directed through a properly designed, installed and maintained structure, such as a sediment trap, to retain sediment on-site. Accumulated sediment shall be removed when it takes up 60% of the storage capacity of the sediment retention structure.
(5) For finished grading, adequate gradients should be provided so as to prevent water from standing on the surface of lawns for more than 24 hours after the end of a rainfall, except in a Swale flow area which may drain as long as 48 hours after the end of rainfall.
(6) Permanent swales or other points of concentrated water flow should be stabilized. Biotechnical approaches using certain types of grasses, such as reed canary grass, are preferable to using sod or gabions and rip-rap where water quality enhancement is a high priority and the Swale design allows. However, sod, gabions or rip-rap may be used to stabilize swales where soils and gradient preclude the use of reed canary grass. Uses of grasses may require an erosion control matting as provided for in the design specifications referenced in Section D,8.
(7) Surface flows over cut and fill slopes should be controlled so to prevent erosion.

e. Timing:
(1) Except as noted below, all sites should be seeded and mulched with erosion control materials such as straw mulch, jute or excelsior (wood chips) within 15 days of final grading. If construction has been suspended, or sections completed, areas should be seeded immediately and stabilized with

[1] A natural drainage channel refers to a Swale, watercourse in a gully, or an unprotected stream. Natural drainage channels should not be altered or relocated on adjacent properties without first having obtained ownership or a permanent easement for the altered or relocated drainage channel from the owner of the off-site or adjacent property.

erosion control materials. Maintenance should be performed as necessary to ensure continued stabilization.

(a) For active construction areas, such as borrow or stockpile areas, roadway improvements and areas within 50 feet of a building under construction, a perimeter sediment control system consisting, for example, of silt fencing or hay bales, should be installed and maintained to contain soil.

(b) On cut sides of roads, ditches should be stabilized immediately with rock rip-rap or other non-erodible liners or where appropriate vegetative measures such as sod. When seeding is approved, an anchor mulch should be used and soil should be limed and fertilized.

(c) Permanent seeding should optimally be undertaken in the spring from March 21 through May 20, in the late summer from August 25 through October 15. During the peak summer months and in the fall after October 15 when seeding is found to be impracticable, an appropriate mulch should be applied. Permanent seeding may be undertaken during summer if plans provide for adequate watering of the seedbed.

(d) All slopes steeper than 3:1 (h:v), as well as basin or trap embankments, and perimeter dikes should, upon completion, be stabilized with sod, seed and anchored straw mulch or other approved stabilization measures.

(2) Temporary sediment trapping devices should be removed within thirty (30) calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control should be made permanent within this time period as well. Accumulated sediments removed from temporary sediment traps or permanent stormwater management facilities should be disposed of such that they will not erode and enter a waterbody.

4. Stream Corridor Management

Stream corridors should be delineated on a map for all streams (permanent or intermittent) on the project site. An analysis of natural resource constraints and cultural features, such as flood plains, wetlands, slopes, soil erodibility, depth to bedrock, areas of ecological or geological significance, significant wildlife habitats and historic landmarks, can be used to delineate stream corridors. The 50ft. setback distance from flood hazard areas and the 100 ft. buffer around protected wetlands should be factored into the stream corridor delineation process. If there is a stream corridor management Local Law, an overly protective district, or other Local Law which protects the stream corridor, then that Law should provide the basis for stream corridor delineation.

A. The delineated stream corridor should serve as the minimum setback distance between areas to be developed on the project site and the protected stream. Setback distances should be based upon the analysis of natural resource constraints, such as slope, soil erodibility, depth to bedrock, and cultural resource features.

B. Care is to be exercised to ensure that stream bank vegetation, including grasses, shrubs and trees in the delineated stream corridor remain undisturbed during land clearing, land grading and construction. The outer

edge of the stream corridor on the construction site should be clearly delineated. Heavy construction equipment should be prevented for entering the delineated stream corridor.

C. Impervious surfaces, other than planned crossings, consisting of asphalt, concrete or similar paving materials should not be installed or constructed within the delineated stream corridor.

D. The bed and banks of all on-site and off-site streams which may be impacted by land clearing, grading and construction activities should be protected to prevent sedimentation, streambank erosion, stream enlargement or degradation or loss of fisheries habitat. Measures for log cribbing and vegetative measures. Whenever possible, vegetative streambank stabilization practices are recommended over structural practices such as rip-rap, gabion linings which may unnecessarily alter the existing stream ecosystem. Native species of vegetation should be used for streambank stabilization activities for protected streams, the permittee shall comply with appropriate protection of water provisions in Article 15 of the Environmental Conservation Law.

E. Where temporary work roads or haul roads cross stream channels, adequate waterway openings must be constructed using spans, bridge or culverts. Backfill used in conjunction with spans, bridge or culverts should consist of washed rock or other acceptable, clean methods that will ensure that road construction and use do not result in turbidity and sediment downstream. All stream crossing activities and appurtenances shall be in compliance with a permit issued pursuant to Article 15 of the Environmental Conservation Law, where applicable.

5. Maintenance

An erosion control plan for a project site should identify maintenance requirements for erosion and sediment control practices utilized, and it should provide a maintenance schedule. All erosion and sediment control measures should be inspected at a minimum of once a week and after every heavy rainfall and maintained in conformance with the schedule so as to ensure they remain in effective operation condition until such times as they are removed.

A. All points of construction ingress and egress should be protected to prevent the deposition of materials onto traversed public thoroughfare (s) either by installing and maintaining a stabilized construction entrance or by maintaining a vehicle wash area in a safe disposal area to wash vehicle wheels and undercarriage, All materials deposited onto thoroughfare (s) should be removed immediately. Proper precaution should be taken to assure that the removal of materials deposited onto public thoroughfare (s) will not enter catch basins, storm sewers or waterbodies.

B. Accumulated sediment should be removed when 60% of the storage capacity of sediment retention structures is reached. All removed sediment should be disposed of in a spoil area where it can be graded, mulched and seeded to prevent erosion and sedimentation.

B. FLOOD CONTROL STANDARDS

The following standards are intended to ensure that stormwater runoff is safely conveyed through a development site, to minimize streambank erosion and to reduce flooding related to land development and urbanization.

1. Peak Flow Attenuation
   The release of stormwater runoff from a developed area should not exceed pre-development conditions. To accomplish this, stormwater runoff should be controlled so that during and after development, no greater peak flow will be discharged from the project site than was discharged prior to development fro a runoff volume generated from a 2-year 24 hour storm, 10-year 24 hour storm and a 100-year 24 hour storm all considered individually

   a. The runoff volume generated from a 2-year, 24-hour storm should be stored and gradually released for a minimum of 40 hours. This design standard is intended to prevent stream channel erosion.
   b. The runoff volume generated from a 10-year, 24-hour storm should be attenuated for a minimum of 24 hours. This design standard is intended to assure the adequacy of existing and proposed culverts and storm drain systems.
   c. The runoff volume generated from a 100-year, 24-hour storm should be attenuated for a minimum of 24 hours. This is intended to reduce the rate of runoff from development to prevent expansion of the 100-year flood plain and to alleviate flooding of improved properties and roadways.
2. Dry detention basins are frequently used for peak flow attenuation. However, it is not necessary that peak flow attenuation requirements be satisfied only be means of detention basins. For example, infiltration trenches, dry wells, or stone reservoirs underneath paving, may be used for attenuating peak flows for smaller storms. Appropriate consideration must be given to the length of life of the stormwater facility and feasibility of maintenance.
3. Where dams are to be constructed for attenuating peak flows, approval may have to be obtained from DEC pursuant to Article 15-0503 of the Environmental Conservation Law.
4. The minimum requirements for peak flow attenuation can be waived for the 100-year, 24 hour storm event where it can be proven that downstream flooding is not a concern, such as where stormwater runoff is discharged to coastal waters or to a regional stormwater facility designed to handle additional volume and peak discharge. The cumulative effect of all proposed development projects within the watershed should be considered in making this determination. (re: Bridgewater Flats Aquifer, Susquehanna Watershed)
5. For public safety reasons, the structural integrity of all stormwater management control facilities should be designed to withstand the discharge from a 100-year, 24 hour storm event.

C. WATER QUALITY MANAGEMENT STANDARDS

The following guidelines should be used in conjunction with the erosion and sediment control guidelines and flood control guidelines to protect water quality from runoff

associated with development projects. The Guidelines should be followed by a project applicant/sponsor in preparing and implementing a stormwater management plan. The guidelines should apply to all land areas where soil permeability has been changed as a result of land clearing, land grading and land development. The hierarchy of methods for managing stormwater quality in Chapter 111 should be considered when implementing these standards.

1. Control of "First Flush"
   Control of "first flush" is important in stormwater management because most runoff-related water quality contaminants are transported from land, particularly impervious surfaces, during the initial stages of a storm event. For example, from 70% to 95% of the contaminants in stormwater can be removed by capturing the first flush of runoff through infiltration practices. Regardless of whether infiltration, retention or extended practices are used to capture the first flush, the performance standards for protecting water quality from stormwater runoff are as follows:
   a. Stormwater management facilities for capturing and treating the first-flush may include infiltration, retention and extended detention. Dry detention (ponds) may not be used to treat the first-flush.
   b. Stormwater management facilities for treating the first-flush should be designed to capture the runoff resulting from a 1-year, 24 hour storm from all land areas for which the perviousness has been changed over predevelopment conditions due to land clearing, land grading and construction.[2] Supplemental stormwater management practices, including swales, filter strips and oil/grit separators may not be used as a substitute for infiltration, retention and extended detention in treating stormwater runoff. However, these practices should be used in conjunction with infiltration, retention and extended wherever feasible.
   c. When extended detention is used, the detention time for capturing and treating the first-flush that is being discharged to a river, stream or wetland should be at least 24 hours. The detention time for treating stormwater runoff in an extended detention facility which is being discharged to a lake, reservoir, coastal embayment or estuary or a tributary thereto should be at least 14 days.
   d. There should be no surface discharge to a waterbody when infiltration or retention is used. If extended detention is built into a retention (wet) pond by providing additional free board and an outlet structure to an impoundment, the above detention times should be used.

2. CONTROL OF THERMAL DISCHARGES
   Control of thermal energy in stormwater runoff in watersheds having streams, which support cold water fisheries is essential. Impervious surfaces, for example, asphalt parking areas and roofs, store large quantities of heat during hot weather in summer. The heat from such surfaces is released to stormwater through

[2] Note that, in addition to paved surface areas and roof surfaces, the contributory area for which the first-flush should be captured and treated includes lawns and similarly landscaped features which are subject to fertilizer and chemical applications.

conduction during storm events. Stormwater runoff having elevated temperatures, can in turn, increase stream temperatures during storm events and adversely impact cold water fisheries or other aquatic ecosystem function.
ACCORDINGLY: Stormwater discharges should be consistent with the thermal criteria found in part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

SECTION 608: OFF-SITE STORMWATER MANAGEMENT FACILITIES

A. The Town of Bridgewater may allow stormwater runoff that is of unacceptable quantity or which would be discharged into stormwater management facilities on the site of development if all to the following conditions are met:
   1. It is not practicable to completely manage runoff on the site in a manner that meets the performance standards in Section Ten.
   2. The off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with the requirements of this Local Law.
   3. Adverse environmental impacts on site of development will be minimized;
      a. Adequate provision is made for the sharing of construction and operating costs of the off-site facilities. The developer may be required to pay a portion of the cost of constructing the facilities as a condition to receiving approval of the drainage plan.
      b. Use of regional off-site stormwater management facilities does not eliminate the requirement that the first-flush be captured and treated on-site.
      c. A request to use off-site stormwater management facilities and all information related to the proposed off-site facilities should be made a part of the developer's stormwater management plan.

SECTION 609: MAINTENANCE

A. The Town of Bridgewater shall determine whether stormwater facilities are to be maintained by the developer/owner, a Homeowner's Association or by the Town of Bridgewater.
   1. If maintenance is to be performed by a homeowner's association, the homeowner's association must be registered pursuant to Section 352-E of the New York State General Business Law. (see Chapter VII)
   2. If maintained by an owner or homeowner's association, a maintenance plan containing a maintenance schedule shall be prepared by the developer, owner and/or homeowner's association for approval by the Town of Bridgewater.
   3. Stormwater management facilities maintained by an owner or homeowner's association shall have adequate easements to permit the Town of Bridgewater Building Inspector to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Before taking corrective action, the Town of Bridgewater shall give the owner or homeowner's association written notice of the nature of the existing defects. If the owner or homeowner's association fails within thirty (30) days from the date of notice to commence corrective action or to appeal the matter to the Town of Bridgewater, the Town of Bridgewater may take necessary corrective action, the cost of which shall be borne by the owner or developer pursuant

to Section Thirteen of this Local Law or by the homeowner's association. If in the event the homeowner's association fails to pay for required corrective action the Town of Bridgewater shall have a lien placed on the real property of members of the homeowner's association until payment is made.

2. Stormwater management facilities may be dedicated to the Town of Bridgewater for purposes of maintenance by mutual consent and agreement of the developer/owner and the Town of Bridgewater; and shall be dedicated to the Town of Bridgewater when said facilities are determined to be appropriately a part of the Town of Bridgewater maintained stormwater management system.

SECTION 610 PERFORMANCE BOND

A. In order to ensure the full and faithful completion of al construction activities related to compliance with all conditions set forth by the Town of Bridgewater in its approval of the Stormwater Management and Erosion Control Plan, the Town of Bridgewater may require the developer to provide, prior to the construction, a performance bond, escrow account certification, or irrevocable letter of credit from and appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Bridgewater as the beneficiary. The security shall be in an amount to be determined by the Town of Bridgewater based on submission of final design plans, with reference to actual construction costs.

B. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or owner of a development (and not by a homeowner's association or the Town of Bridgewater) the developer, prior to construction also may be required to provide the Town of Bridgewater with an irrevocable letter of credit from an appropriate financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities for the life of the project.

C. The letter of credit shall remain in force until the surety is released for liability by the Town of Bridgewater.

D. Per annum interest on the letter of credit will be reinvested in the account until the surety is released for liability.

E. The operation and maintenance letter of credit shall remain in force for the life of the project.

F. If the developer or owner fails to properly operate and maintain stormwater management and Erosion and sediment control facilities, the Town of Bridgewater may draw unpon the account to cover the costs of proper operation and maintenance.

SECTION 611 ENFORCEMENT

A. Nuisance: Any development activity that is commenced without prior approval of a Stormwater Management and Erosion control Plan or is conducted contrary to an approved Stormwater Management and Erosion Control Plan as required by this Local Law, shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by Law.

B. Civil and Criminal Penalties: In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Local Law shall be

punished by a fine of not less than One Hundred Dollars ($100) nor more than One Thousand ($1,000) or by imprisonment for a period not to exceed sixty (60) days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

C. Any violator may be required to restore land to its undisturbed condition. In the event that restoration if not undertaken within a reasonable time after notice, the Town of Bridgewater may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

D. Notice of violation: When the Town of Bridgewater determines that developmental activity is not being carried out in accordance with the requirements of this Local Law, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
   1. The name and address of the owner or applicant;
   2. The street address when available or a description of the building, structure or land upon which the violation is occurring;
   3. A statement specifying the nature of the violation;
   4. A description of the remedial actions necessary to bring the development activity into compliance with this Local Law and a time schedule for completion of such remedial action;
   5. A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed;
   6. A statement that the determination of violation may be appealed to the Town of Bridgewater by filing a written notice within fifteen (15) days of the service of notice of violation.

E. The notice of violation shall be served upon the person(s) to whom it is directed either personally, in a manner provided for personal services of notices by the court of local jurisdiction, or by mailing a copy of the notice of the violation by certified mail, postage prepaid, return receipt requested to such person at his or her last known address.

F. A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken to the Town of Bridgewater.

SECTION 612 APPEALS

Any person aggrieved by the action of any official charged with the enforcement of this Local Law, as a result of the disapproval of a Stormwater Management and Erosion Control Plan, issuance of a written notice of violation, or an alleged failure to properly enforce the Local Law in regard to a specific application, shall have the right to appeal the action to the Town of Bridgewater. The appeal shall be filed in writing within Twenty (20) days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under Section 207, f of this Local Law.

SECTION 613 SEVERABILITY

Each separate provision of this Local Law is deemed independent of all other provisions herein so that if any provision or provisions of this Local Law be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 614 VARIANCE

The Town of Bridgewater may grant a written variance from any requirement of this Local Law using the following criteria:

1. There are special circumstances applicable to the subject property or its intended use; and
2. The granting of the variance will not:
   a. Increase or decrease the rate of surface water runoff;
   b. Have an adverse impact on a wetland, water course or waterbody;
   c. Contribute to the degradation of water quality; and
   d. Otherwise impair attainment of the objectives of this Local Law.

SECTION 615 EFFECTIVE DATE

This Local law shall become effective on October, 23, 1995

Amended 1998- mining and extraction
Amended 2001- Telecommunications facility

Schedule A – Town of Bridgewater
Zoning Dimensional Requirements and Restrictions

District	Uses	Minimum Lot Size	Lot line (Ft) Front	Depth	Minimum Yard (Ft.) Front	Side	Rear	Maximum Height	Maximum % of coverage	Site Plan Required
R/A Residential-Agricultural	Farm	10 Ac	200	*	*	*	*	*	*	*
	Farm related Buildings	*	*	*	100	*	*	*	*	*
	Single Family dwelling on farm	80,000 sq.ft.	200	*	75	*	*	35 ft	*	no
	Single family dwelling	80,000 sq.ft	200	200	75	40	50	35 ft	30%	no
	Two family dwelling	80,000 sq.ft.	200	200	75	40	50	35 ft	30%	no
O/S Open Space	Camp	80,000 sq.ft	200	200	75	40	50	35 ft	30%	Yes
	Lodge	80,000 sq.ft	200	200	75	40	50	35 ft	30%	Yes
R – Residential	One family Dwelling	80,000 sq. ft.	200	200	75	40	50	35 ft.	30%	No
	Two family dwelling	80,000 sq. ft	200	200	75	40	50	35 ft	30%	No
R/M Residential Mobile Home Park		10 ac	307 regulations							
Lots within R/M Park		8,000 sq.ft	80	15	5	5	*		25%	Yes
C - Commercial		60,000 sq.ft	200	*	10% of depth		15	35 ft.	30%	Yes
I - Industrial		40,000 sq.ft	200	200	40	50	50	45 ft	35%	Yes
P/D Planned Development		10 ac	Re: section 312							Yes