

Local Law # 1 of the Year 2023

LAND USE LAW AND REGULATIONS FOR THE TOWN OF MORRISTOWN

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ARTICLE I – Title

This law shall be known and may be cited as "LAND USE LAW AND REGULATIONS FOR THE TOWN OF MORRISTOWN AND HAMLET OF MORRISTOWN".

This law is adopted pursuant to NYS Town Law, Section 261.

ARTICLE II – General Provisions

- A. **PURPOSE.** The provisions of these regulations shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of this community. Such requirements are deemed necessary to achieve the following purposes.
- **PROMOTE ORDERLY DEVELOPMENT** - to protect the character and maintain the stability of residential, recreational, commercial, and agricultural areas within the town, and to promote the orderly and beneficial development of such areas.
 - **REGULATE INTENSITY OF USE**– to regulate the intensity of use of zoning lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy, and convenience of access to property, and to protect the public health and safety.
 - **REGULATE LOCATION OF BUILDINGS**– to establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural, or other uses within such lines.
 - **ESTABLISH STANDARDS OF DEVELOPMENT**– to fix reasonable standards to which buildings or structures or the use of the land shall conform.
 - **PROHIBIT INCOMPATIBLE USES** - to prohibit uses, buildings or structures which are incompatible with existing or desirable character of development within specified zoning districts.
 - **REGULATE ALTERATIONS OF EXISTING BUILDINGS**-to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
 - **LIMIT CONGESTION IN THE STREETS AND HIGHWAYS**– to limit congestion in the public streets and so protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.
 - **PROTECT AGAINST HAZARDS** - to provide protection against fire, flood, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.
 - **CONSERVE TAXABLE VALUE OF LAND**- to conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.
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B. SCOPE. This Local Law shall apply to the construction, installation or alteration of any building, structure or appurtenant system and any lot, plot or parcel of land used, occupied, or otherwise maintained as herein provided for in the Town of Morristown.

C. RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS.

1. Conflict with other laws. Whenever the requirements of this Local Law are at dispute with the requirement of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive of those imposing the highest standards shall govern.
2. Requirement for New York State General Municipal Law 239-m Referral to County Planning Board. Section 239-m requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board, the Planning Board, or the Town Zoning Board of Appeals, as appropriate, and that the referring board shall not take final action until it has received a recommendation within thirty (30) days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
 - a. Adoption or amendment of a comprehensive plan pursuant to section 272-a of town law.
 - b. Adoption or amendment of a land use ordinance or local law.
 - c. Issuance of special use permits.
 - d. Approval of site plans.
 - e. Granting of use and area variances.
 - f. Other authorizations that a referring body may issue under the provisions of any Land Use Regulation or local law.

The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred (500) feet of the following:

- a. The boundary of any city, village, or town; or
- b. The boundary of any existing or proposed county or state park or any other recreation area; or
- c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway; or
- d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- e. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
- f. The boundary of any farm operation located in an agricultural 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.

3. Agricultural Districts. Notwithstanding any other provision of this Local Law, "farm operations" as defined in Article Twenty-Five-AA of the New York State Agriculture and Markets Law, shall be a permitted principal use in all areas located within an agricultural district adopted by the Town of Morristown and certified by the Commissioner of Agriculture pursuant to said Article Twenty- Five-AA, regardless of what zoning district such areas are located within. This provision shall supersede any conflicting provision of this Local Law.

D. **SEPARABILITY**. Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

E. **FEES**. Permit fees shall be paid according to the fee schedule as may, from time to time, be established by resolution of the Town Board.

F. **STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**.

1. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article (VIII) and Part 617 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.
2. All "Type I" and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
3. The Board that is empowered to approve the action shall be the lead agency.
4. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

ARTICLE III – Definitions

- **accessory building:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
- **accessory structure:** A structure subordinate to the principle building on a lot and used for purposes customarily incidental to those pf the principal building. Examples include but are not limited to sheds, garages, fences, swimming pools, satellite dish antennas.
- **accessory use:** A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal building.
- **adult use, adult bookstore:** An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished by or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- **alley:** A service way which affords public means of vehicular access to abutting property.
- **airport:** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.
- **alteration:** Any change, addition or modification in construction other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.
- **animal hospital:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
- **appeal:** A request for a review of the interpretation of any provision of this law or a request for a variance.
- **art studio:** Enclosed place for the production and sales of crafts and arts produced on-site.
- **automobile body shop:** A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.
- **auto wash:** A structure designed or intended primarily for the washing of automobiles including conveyor, drive-through and self-service types.

■ **automobile sales lot:** Premises on which new or used passenger automobiles, trailers, manufactured homes, or trucks in operating condition are displayed in the open for sale or trade. Vehicles on these lots must be able to pass state vehicle inspection requirements.

■ **automobile service station:** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and food sales.

■ **bar:** An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

■ **basement:** A space of full story height partly below grade and having at least half of its height, measured from floor to ceiling, above the established grade of the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

■ **bed-and-breakfast (B&B):** A transient lodging establishment, generally in an owner occupied single- family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

■ **boarding house:** An owner-occupied dwelling, or part thereof, in which lodging is provided for a fee by the owner or operator to not more than eight (8) boarders.

■ **boathouse:** A non-floating building, anchored to an approved foundation, ancillary to a dwelling, containing slips used exclusively for non-commercial dockage or storage of motorboats, sailboats, and similar watercraft. Not to be used as a dwelling unit or habitable space.

■ **body shop:** General repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision service including body, frame or fender straightening or repair, overall painting or paint job and vehicle steam cleaning.

■ **building:** A structure used or intended for supporting or sheltering any use or occupancy.

■ **building area:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

■ **building coverage:** That portion of the plot or lot area covered by a building.

■ **building, detached:** A building surrounded by open space on all sides on the same lot.

■ **building frontage:** That side of any building facing a public street or a right of way.

■ **building floor area:** The sum of the gross horizontal area of the several floors of a building and its accessory building on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

■ **building height:** The overall height of a building as measured from the established grade at street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the average height between eaves and ridge for gable, hip, and gambrel roofs.

■ **building line:** A line parallel with the front, side, or rear property lines respectively, beyond which a structure may not extend as determined by these regulations. The building eaves shall be used as the out most portion of the building line.

■ **building, principal:** A building in which is conducted the main or predominant use of the lot on which it is located.

■ **building, permit:** A permit issued by the Code Enforcement Officer that authorized the recipient to make use of the property in accordance with the requirement of this local law and state law.

■ **business area:** The total ground area covered by a principal building, accessory structures, parking including outdoor display and storage areas integral to the business.

■ **camp:** A tent, trailer, shelter, cottage or other accommodation for seasonal or other temporary living accommodations, regardless of whether such structure or accommodation is used seasonally or otherwise; **or**
A parcel of land on which is located two or more cottages, shelters, recreational vehicles, tents, or other accommodation for seasonal or other temporary living arrangements; **or**
A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as 'day camp' purposes; **or**
A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

■ **campground:** A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents, or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this local law. A campground shall not include use by manufactured homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance, or security of the campground.

■ **cellar:** that space of a building that is partly or entirely below grade which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living.

■ **certificate of occupancy:** A certificate issued by the Code Enforcement Officer indicating that a structure or the use of land is in compliance with any approved site plans, conditions on approval and with this local law and state law.

■ **church:** Any place devoted to organized worship on a regular basis.

■ **commercial recreation:** a recreation facility designed and equipped for the conduct of sports and other leisure time activities which is operated as a business and open to the public for a fee.

■ **commercial service:** Retail establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, package and postal services, photo processing, janitorial services and similar operations.

■ **community residence:** Shall be defined as in the New York code of Rules and Regulations part 417, and shall for the purpose of these regulation, be interchangeable with “agency group home” and “temporary home” as defined in those regulations. Such residential facilities must be authorized by the NYS Board of Social Welfare or by the New York State Commissioner of Mental Hygiene and living as a single, stable housekeeping unit.

■ **condominium:** A multiple unit residential complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit and sharing in joint ownership of any common grounds, passageways, and so on.

■ **conservation:** The continuation of land in its natural state, or any use that will maintain the land in essentially its natural state.

■ **convenience store:** A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area. It may sell gasoline or oil or other motor vehicle fuel and lubricating products but does not include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles.

■ **daycare, center:** Any care arrangement for persons under the age of eighteen (18) or over the age of sixty (60) that provides day care on a regular basis for more than four hours per day for more than five persons, for payment or reimbursement.

■ **daycare, home:** A Day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age often (10) years who reside in the home count as children served by the daycare facility.

■ **driveway:** Vehicle travel lane between a public road and a parking area, not including field entrances. A divided driveway is so designed that traffic entering it is separated from traffic leaving it by a raised median or other physical barrier is considered a single driveway unit.

■ **Drive-in restaurant or refreshment stand:** Any place or premises used for sale, dispensing, or serving food, refreshments, or beverages to person in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

■ **dwelling unit:** One or more rooms located within a dwelling and providing complete living accommodations for one family, including cooking and bathroom facilities.

■ **dwelling, single family:** A detached building designed for year-round occupancy by one family only, including a sectional dwelling or modular home located on a permanent continuous foundation, other than a recreational vehicle, or any temporary structure.

■ **dwelling, two-family:** A detached building, designed for year-round occupancy by two families living independently of each other, other than recreational vehicle, or rooming house.

■ **dwelling, multiple family:** An apartment building or other residential building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, and rooming houses

■ **dwelling, condominium:** Any residential building portion thereof, involving a combination of two kinds of ownership of real property: a) Fee simple ownership of the individual dwelling unit; and b) undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners 'association'.

■ **dwelling, town house:** Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy for one family per unit, which each unit making its own footprint on the ground and involving fee simple ownership of the individual units.

■ **dwelling unit:** A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

■ **essential service:** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings uses or intended to be used for human habitations.

■ **family:** One or more persons occupying the premises, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging home, club, fraternity, hotel or commune.

■ **fence:** An artificially constructed barrier of approved material or combination of material erected to enclose or screen areas of land.

■ **farm:** The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

■ **funeral home:** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

■ **full bathroom:** A full bathroom shall mean a room in a home for personal hygiene activities containing a toilet, a sink and a shower or bathtub.

■ **garage sale:** The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term 'garage sale' includes 'sidewalk sale', 'yard sale', 'basement sale' and 'estate sale'.

■ **garage, private:** A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

■ **garage, public:** A building or part thereof operated for gain and used for the storage, hiring, selling, greasing and washing, servicing or repair of motor driven vehicles.

■ **gas station:** A property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

■ **grandfathered:** A use that is recognized as a pre-existing use in existence prior to this ordinance.

■ **half-bath:** A half bathroom shall mean a room in a dwelling for personal hygiene activities containing only a toilet and a sink.

■ **hazardous:** Any building or structure which is structurally unsafe, unsanitary, constitutes a fire hazard, harbors Vermin, or is otherwise dangerous to human life, or uses which in relation to existing conditions contributes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

■ **healthcare facility:** Unless otherwise specified, the term "health care facility" shall be deemed to include a hospital, clinic, rest home, nursing home, sanitarium, or any other place

for the diagnosis, treatment, and/ or other care of human ailment, addictions, development disability or old age.

■**holding area:** The portion of a farm where cattle or other livestock are held and bulk fed commercially in a restricted area.

■**holding tank:** An approved structure for the temporary storage of sewage for offsite disposal requiring regular cleanout.

■**home occupation:** An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the neighborhood. Home occupations shall be limited to an owner-occupied dwelling. A home occupation shall produce no offensive noise, traffic, vibration, smoke, dust, heat, glare or electronic disturbance beyond the property it occupies.

■**hospital:** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

■**hospital, animal:** see animal hospital.

■**hotel or motel:** Any building or group of buildings having six or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests.

■**junk:** Is material that is not reusable or can not be recycled to be used again in some form.

■**junkyard:** A lot of building, or part thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal, wood, discarded appliances or similar discarded waste or waste material; or for collecting, dismantling, storage, and salvaging of machinery or vehicle not licensed and in running condition or for the sale or storage of parts thereof. Examples: Auto salvage yard.

■**kennel:** A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats, or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).

■**land use activity:** the specific purpose for which land or building is used or designed and intended to be used and maintained.

■**laundromat:** A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

■ **light manufacturing/ assembly:** An establishment engage in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products and the blending of materials inside an enclosed structure. It shall produce minimal noise, air pollution, electronic disturbance and shall not detract from the overall nature of the district in which it is located.

■ **loading space:** An off-street space or berth, no smaller than a parking space, used for loading or unloading vehicles.

■ **lot:** A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces, and parking spaces required by this law and having its principal frontage upon a street or upon a right of way.

■ **lot area:** The computed area contained within the lot lines.

■ **lot, corner:** A lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than 135 degrees.

■ **lot depth:** The mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

■ **lot, interior:** A lot other than a corner lot.

■ **lot line:** The property line bounding the lot.

- a. Lot line, front: the line separating the lot from the street right-of-way or access right of way.
- b. Lot line, rear: the line opposite to and most distant from the front lot line.
- c. Lot line, side: any lot line other than a front or rear lot line which intersects a front lot line.

■ **lot, through:** A lot having frontage on two approximately parallel or converging streets.

■ **lot line, common:** A line dividing one lot from another.

■ **lot width:** The horizontal distance between side lines measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line.

- **manufactured home court:** A parcel of land which has been planned and improved for the placement of two or more mobile homes or manufactured homes for dwelling purposes. The term shall include Mobile Home Park, Manufactured Home Park, or other area planned and/or improved for two or more mobile homes or manufactured homes.
- **manufactured home:** A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.
- **marina:** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travel lift services, slip rental, gasoline, sanitary pump-out service and food, drink, and transient lodging accommodations.
- **minor subdivision:** A parcel of land being subdivided into no more than 3 parcels meeting the min. 1 acre lot size and dimensions.
- **major subdivision:** A parcel of land being subdivided into 4 or more parcels. Approval required by the Planning Board.
- **mobile home:** A moveable or portable dwelling unit that was built prior to June 15, 1976, and designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers. It does not include a recreational vehicle.
- **modular home:** A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended, or designed for permanent installation, or assembly and permanent installation.
- **net-metering:** A billing arrangement that allows solar customers to receive a credit for

excess electricity that they generate and deliver to the power grid, so that they only pay for their net electricity usage at the end of a given month.

- **nursing home:** A proprietary facility, licensed by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.
- **nonconforming use:** See 'use, nonconforming'.
- **occupant:** Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m.
- **office:** A room or group of rooms used for conducting the affairs of a business, profession service industry, or government.
- **parking space:** An off-street space available for the parking of one motor vehicle conforming to the typical lot standards.
- **permit granting authority:** The town authority charge with granting permits for the operation of solar energy systems and building permits.
- **personal service shop:** A business where non-medical professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles, or things is only accessory to the provision of such services. Including but not limited to the following: barber shops, beauty shops, tailor shops, laundromats, shoe repair shops, etc.
- **photovoltaic system:** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.
- **planned development:** A tract of land in single ownership or controlled by an individual, partnership, cooperative or corporation, designed for and capable of being used for one or more residential, commercial, industrial, or recreational uses which have certain facilities in common and which have been designed as in integrated.
- **plat:** A map representing a tract of land showing the boundaries and location of individual properties and streets.
- **private club or lodge:** Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

- **public firing range:** An area equipped with targets for practice in shooting weapons which is available to the general public, including firing ranges operated by clubs which require membership to use the range.
- **qualified solar installer:** A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved;

Persons who are on a list of qualified photovoltaic installers maintained by the New York State Energy Research and Development and Authority (NYSERDA), or who are certified as solar installers by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purpose of this definition.

Persons not on either of these lists may be deemed to be qualified solar installers if the Town's Code Enforcement Officer determines that such persons have had adequate training to determine the degree and extent of the hazards and personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the use of special precautionary techniques and personal protective equipment as well as the skills and techniques necessary to distinguish exposed energized part from other parts of electrical equipment and to determine the normal voltage of exposed live parts.

- **recreation vehicle (RV):** A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.
- **restaurant:** A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.
- **retail sales establishment:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.
- **roadside stand:** A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.
- **rooftop or building mounted solar systems:** A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush mounted system or modules fixed to a frame which can be tilted toward the south at an optimal angle.
- **rooming/boarding house:** An owner-occupied building in which rooms are offered for rent on a transient basis, and which may or may not involve the offering of meals.

- **setback, front:** The distance measured from the boundary of the contiguous private or public roadway to the building line.

For the purpose of establishing front setbacks on property served only by the right of ways the setback shall be established by the nearest property line facing the street or road for which the right of way is served.

- **setback, rear:** A distance to be measured from the rear line of the lot to the building line. If the rear line of the lot is a shoreline, the rear line is to be determined using the lot dimensions in the deed and measuring from the front line to the rear lot line. Where terrain prohibits measurement by this method, the lot line along the shoreline is to be determined by a licensed surveyor. Uncovered decks of thirty (30) inches in height or less shall be allowed to encroach into setbacks up to thirty percent of the stated setback.

- **setback, side:** A distance to be measured from the lot line which is perpendicular or approximately perpendicular to the front lot line and which separates two lots. Uncovered decks of thirty (30) inches in height or less shall be allowed to encroach into setbacks up to thirty percent of the stated setback.

- **short term rental/ Tourists Cottages:** A dwelling unit that is rented, in whole or part, to any person or entity for a period of less than 30 consecutive nights, and includes any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, or accessory dwelling which is rented as a living quarter with a kitchen for any period less than 30 consecutive nights. This definition expressly includes rooming/boarding house as that term is defined in definitions. This definition excludes timeshares, hotels, bed and breakfast establishments and school or non-profit dormitories. "Rentals" means an agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a short-term rental by a record owner of a property shall not be a rental under this section.

- **sign:** Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible from the public right of way or other properties. The term "sign" shall not include any flag, badge, or insignia, of any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business.

- **sign, advertising:** A sign which directs attention to a business, commodity, service, or entertainment sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed and only incidentally on the premises if at all. A commercial billboard shall be construed to be an advertising sign.

- **sign, business:** A sign directing attention to a business or profession conducted or to a

commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

■ **sign, flashing:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a "flashing sign".

■ **small-scale solar:** Photovoltaic systems that produce up to ten (10) kilowatts (kw) per hour of energy, or solar thermal systems which serve the buildings to which they are attached, and do not provide energy for other buildings.

■ **solar access:** Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems and individual properties.

■ **solar collector:** A solar photovoltaic cell, panel, or array or solar hot air or water collector device which relies upon solar radiation as an energy source for the generation of electricity or the transfer of stored heat.

■ **solar energy equipment/system:** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, solar thermal, photovoltaic and concentrated solar.

■ **solar panel:** A device for the direct conversion of solar energy into electricity.

■ **solar storage battery:** A device that stores energy from the sun and makes it available in an electrical form.

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

■ **story:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story.

■ **story, half:** That portion of a building between a pitched roof and the uppermost full story and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

■ **street:** A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

■ **structure:** Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

■ **structural alteration:** Any change, addition or modification in construction other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.

■ **tavern:** A building or part thereof where, in consideration of payment therefore, liquor, beer, wine, or any combination thereof is served for consumption on the premises, with or without food.

■ **town house:** One of a row of houses joined by common sidewalls, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc. that unit.

■ **truck terminal:** The use of land, buildings, or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles. The term does not include automobile service stations or transportation sales or rental outlets.

■ **use, nonconforming:** A use that was legally conforming when brought into existence but, by subsequent regulation, becomes no longer conforming. "Nonconforming use" is a generic term and includes (1) nonconforming structures (by virtue of size, type of construction, location on land, or proximity to other structures), (2) nonconforming use of a conforming building, (3) nonconforming use of a nonconforming building, and (4) nonconforming use of land.

■ **variance:** An authorized departure by the Board of Appeals from the terms of this local law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

■ **yard:** An open space on the same lot or parcel of land that is unoccupied and unobstructed from the ground upward, except as otherwise permitted by this Law.

■ **yard, front:** An open space extending across the full width of a lot that abuts the principal street side of a parcel.

■ **yard, rear:** An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line.

■ **yard, side:** An open space area extending from the front yard to the rear yard between the building and the nearest side lot line unobstructed from the ground upward except for steps and unenclosed porches.

ARTICLE IV – Establishment of Districts

A. DESIGNATION OF DISTRICTS. For the purpose of this Local Law, the Town of Morristown is divided into the following districts:

- R Residential District
- R-A Residential-Agricultural District
- S Shoreline District

Provision is also made for the creation of the following district: P-D
Planned Development District

B. DISTRICTS AND THEIR PERMITTED USES.

1. R Residential District

a. Purpose. The purpose of this district is to protect and enhance existing residential use, while providing for orderly residential growth and development in the town.

b. Primary uses allowed with no Site plan Review or no Special Permit: Single, family dwelling. Manufactured and mobile homes excluded.

c. Prohibited Uses: Unless a use is listed as permitted, it is prohibited. Cannabis sales are prohibited in the Hamlet of Morristown.

d. Permitted accessory uses. Uses and structures customarily incidental to primary, special permit & site plan review uses and structures.

e. Uses allowed with Site Plan Review and Special Permit.

- i. Home occupations and Bed and Breakfasts.
- ii. Conversion of one-family dwelling into two (2) units.
- iii. Condominiums and Town Houses.
- iv. School/ Library.
- v. Church.
- vi. Public Park/ Playground.
- vii. Nursing Home.
- viii. Day Care Center.
- ix. Community Group Home.
- x. Multiple family Dwelling Units.
- xi. Short-Term Rentals.
- xii. Manufactured Homes.

f. Specifications.

i. Setbacks:

(a) Front: twenty (20) feet. 10 ft in Hamlet.

(b) Side: minimum ten (10) feet - total twenty five (25) feet.

(c) Rear: thirty (30) feet. 10 ft in Hamlet – When located on adjacent to body of water 30 ft setback required from high water base flood elevation.

ii. Frontage: one hundred (100) feet with a minimum depth of 100 ft of the required 1 acre lot. 66 ft in Hamlet.

iii. Minimum lot depth 132 ft in Hamlet.

iv. Height: thirty-five (35) feet.

v. Minimum lot size: one (1) acre. 6300 sq ft in Hamlet.

vi. See Article V - Regulations Applicable to All Zones, C. Non - Conforming Uses, Lots and Structures, 2. Existing Lots of Record.

2. R-A Residential-Agricultural District

- a. Purpose. The purpose of the Residential-Agricultural District is to delineate agriculture, rural and open land areas, to include acceptable, compatible residential and business uses and growth, yet maintain a rural character.
- b. Primary uses allowed with no Site Plan Review or Special Permit.
 - i. Agricultural and agri-business.
 - ii. One- and two-family dwellings.
 - iii. Manufactured homes.
- c. Prohibited uses: Unless a use is listed as permitted, it is prohibited.
- d. Permitted accessory uses
 - i. Uses and structures customarily incidental to primary uses, special permit and site plan review uses and structures.
 - ii. Accessory uses are not to be used on a commercial basis except for home occupations and agriculture.
- e. Uses allowed with Site Plan Review and Special Permit
 - i. Home occupations.
 - ii. Airports & Helicopter landing sites.
 - iii. Camping Grounds.
 - iv. Small rural businesses (retail, restaurants, taverns, contracting and construction businesses, personal and professional services, professional offices, etc.) compatible with the surrounding character and aesthetics of the neighborhood.
 - v. Multiple family dwellings.
 - vi. Kennels and Animal hospitals.
 - vii. Institutional Uses, Clubs, and Day-care Centers
 - viii. Recreational Facilities.
 - ix. Telecommunications Towers.
 - x. Public Firing Ranges.
 - xi. Condominiums and Town Houses.
 - xii. Gas Stations and Convenience Stores.
 - xiii. Automobile sales, rental, repair, service, and body shop.
 - xiv. Churches.
 - xv. Plumbing, Building or Electrical Contracting or supplies businesses.
 - xvi. Distribution facilities.
 - xvii. Adult use, adult bookstore.
 - xviii. Junkyard.
 - xix. Short-Term Rentals
 - xx. Solar Energy Facilities
- f. Specifications.
 - i. Setbacks.
 - (a) Front: Thirty (30) feet.
 - (b) Side: minimum of ten (10) feet.

(c)Rear: thirty (30) feet.

- ii. Frontage: one hundred (100) feet with a minimum depth of 100 ft of the required 1 acre lot.
- iii. Height: 60 ft.
- iv. Minimum lot size 1 acre.
- v. See Article V - Regulations Applicable to All Zones, C. Non - Conforming Uses, Lots and Structures, 2. Existing Lots of Record.

3. S Shoreline District

- a. Purpose. The purpose of this district is to delineate areas where residences are mixed with water-related businesses along a shoreline yet protect the water quality and other environmental issues and maintain the scenic appeal of the shoreline.
- b. Primary uses allowed with no Site Plan Review or Special Permit.: Single family dwelling units including manufactured homes.
- c. Prohibited uses: Unless a use is listed as permitted, it is prohibited.
- d. Permitted accessory uses. Uses and structures customarily incidental to primary, special permit & site plan review uses and structures.
- e. Uses allowed with Site Plan Review and Special Permit.
 - i. Uses requiring Site Plan Review and Special Permits in a Residential R-A District.
 - ii. Multiple family dwellings.
 - iii. Art gallery/studio.
 - iv. Motels, restaurants and bars.
 - v. Retail stores, business offices and services of any type, but no larger than ten thousand (10,000) square feet of retail sales area and two thousand (2,000) square feet of customer service area, for a combined total of twelve thousand (12,000) square feet.
 - vi. Business or personal service.
 - vii. Office.
 - viii. Bed and Breakfast.
 - ix. Funeral Home.
 - x. Convenience store and gas station.
 - xi. Tourist cottages.
 - xii. Marina.
 - xiii. Bait shop/ sporting goods sales.
 - xiv. Churches.
 - xv. Community residence.
 - xvi. Services/sales.
 - xvii. Gift or craft shop.
 - xviii. Short-Term Rentals
- f. Specifications.
 - i. Setbacks:
 - (a) Front: twenty (20) feet.
 - (b) Side: minimum ten (10) feet.

- (c) Rear: thirty (30) feet – When adjacent to body of water 30 ft from base flood elevation.
- ii. Frontage: one hundred (100) feet.
- iii. Height: thirty-five (35) feet.
- iv. Minimum lot size: one (1) acre.
- v. See Article V - Regulations Applicable to All Zones, C. Non - Conforming Uses, Lots and Structures, 2. Existing Lots of Record.

4. Commercial District – Cannabis sales prohibited in Commercial District

- a. Permitted Uses- Requires Building Permit and Site Plan Review
 - i. Nursery / Greenhouse.
 - ii. Fire Station.
 - iii. School / Library.
 - iv. Cemetery and Related Buildings.
 - v. Church.
 - vi. Funeral Homes.
 - vii. Professional Clinics.
 - viii. Professional / Business Office (s).
 - ix. Bank.
 - x. Retail Sales Outlet.
 - xi. Restaurant / Tavern / Bar.
 - xii. Fraternal / Veterans Organization.
 - xiii. Painting / Plumbing / Electrical Shop.
 - xiv. Museums.
 - xv. Public Garages.
 - xvi. Building Material Outlet.
- b. Conditional Uses- Requires a Special Permit and Site Plan Review
 - i. Day Care Center.
 - ii. Multi-Family Dwelling Unit.
 - iii. Utility Station / Cable / TV Stations.
 - iv. Light Manufacturing Establishment.
 - v. Food Processing Plant.
 - vi. Public Playground / Park.
 - vii. Essential Care / Nursing Home / Community Residence.
 - viii. Rooming House / Bed & Breakfast.
 - ix. Bowling Alley.
 - x. Auto Sales / Services.
 - xi. RV Sales / Auto Sales / Auto Body / Machine Shop.
 - xii. Farm / Lawn Equipment.
 - xiii. Warehouse / Wholesale Outlet.
 - xiv. Hardware / Plumbing / Electrical Shop.
 - xv. Entertainment / Amusement Centers.
 - xvi. Adult Entertainment.
 - xvii. Solar Energy Systems.
 - xviii. Wind Power Facilities.

- c. Minimum Lot Area:
 - i. 6300 square feet, width 66 ft.
 - ii. Setbacks shall be 10 ft from front rear and side property lines, Maximum height of 35 ft or as approved by Planning Board

5. P-D Planned Development District

a. Purposes. To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses - in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Land Use Regulations.

b. Procedure.

i. For the establishment of planned districts:

(a) Application for designation of a P-D District shall be referred to the Town Board. The Town Board shall refer the application to the Planning Board within ten days of receipt. The applicant shall furnish basic data pertaining to the boundaries of the proposed development, the existing zoning, topography, drainage, soil conditions, and such preliminary plans as may be required for an understanding of the type, uses and design of the proposed development.

(b) The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the preliminary plans as are found to be necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraph ii-c of this subsection. All applications for creation of a planned district shall be referred to the St. Lawrence County Planning Board which may review and comment on the referral within 30 days.

(c) The Town Planning Board shall report its findings and make recommendations to the Town Board within forty-five (45) days. It may approve, disapprove, or give conditional approval subject to modification regarding the proposed development.

(d) The Town Board shall hold a public hearing after public notice as required for any amendment to these regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning map to establish and define the type and boundaries of the planned district, and in so doing may state specific conditions in addition to those provided by these regulations, further restricting the nature or design of the development.

ii. For the approval of development within an established planned district:

(a) Amendment of the Zoning map shall not constitute authorization to develop in the district.

(b) Such authorization, after a planned district has been established, shall require that the applicant submit to the Planning Board such plans and specification, supporting documents and data as shall be required by the Board, and shall specify on the plans and in writing the building types and layout, setbacks, off- street parking and loading, ingress and egress, signs, existing and proposed amenities, screening, planting and ornamental features, and the plan or arrangement for development of the area in stages or in its entirety. A copy of the proposed development will be submitted to the St. Lawrence County Planning Board for review as required under Section 239-L and Section 239-M of the General Municipal Law.

(c) The Planning Board and the Board's professional planning consultant, if any, shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to findings of fact and conclusions on the following:

i. In what respects the plan is or is not consistent with the stated purposes of a planned district.

ii. The extent to which the plan departs from Land Use Law and Regulations formerly applicable to the property in question (if not originally designated as a planned district), including but not limited to bulk, density, and permitted uses.

iii. The existing character of the neighborhood and the relationship, beneficial or adverse of the proposed development to this neighborhood.

iv. The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.

v. The provision for pedestrian circulation and open spaces in the Planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.

vi. The traffic circulation features within the site including the amount of, location of, and access to automobile parking and terminal loading areas.

vii. The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate sight distances and intersection design, and the nature and suitability of the

connecting street or highway system to absorb the anticipated changes.

viii. The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.

ix. The proposed location, types and size of signs and landscape features.

x. The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.

(d) No permit shall be issued until the Planning Board has made its recommendations based on the foregoing considerations, any review by the St. Lawrence County Planning Board, and the Town Board has made its determination, and authorized issuance of a permit.

(e) All conditions imposed by the Town Board in its amendment and all subsequent conditions imposed by the Planning Board or Town Board in their review of the final plans, including any performance of which may be conditions precedent to the issuance of any permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.

(f) If construction of the development in accordance with the approved plans and specifications has not begun within one year after the date of the resolution authorizing issuance of the building permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the map to restore the Zoning designation for the district to that which it had been prior to the application, or any other district.

c. Applicability of P-D Regulation to Manufactured Home Courts: All manufactured home courts will be considered under this process according to the following general guidelines. Creation, expansion, extension or alteration of any manufactured home court shall be in accord with the following minimum requirements:

- i. A manufactured home court shall be located and maintained only in those districts as permitted in these regulations and in accord with the standards therein. All proposed manufactured home courts shall be subject, and developed according, to the Planned District procedures set forth under this article.
- ii. All existing manufactured home courts of record shall be exempt from these regulations, except that they shall comply with them whenever any addition,

expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an initial and annual operating permit as required by local law and state law. All existing manufactured home courts shall be limited to the number and size of manufactured homes presently accommodated at the time of adoption of these regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing courts shall comply in every regard with minimum standards for health, sanitation and cleanliness.

- iii. A manufactured home court shall have a minimum of five (5) acres.
- iv. Within the manufactured home court, minimum lot size for individual manufactured homes shall be ten thousand (10,000) square feet; and within the individual manufactured home lot, yard requirements shall be as follows:
 - i. Front yard - twenty (20) feet.
 - ii. Side yards (each) - twenty (20) feet.
 - iii. Rear yard - twenty (20) feet.
- v. Sanitary Facilities:
 - i. Water and sewer - all water supply and sewage disposal systems will comply with those standards set forth in Local Law and shall furthermore be approved by the New York State Department of Health and/or the Department of Environmental Conservation before any permit is issued.
 - ii. The following shall comply in every regard with those standards that may be set forth in any Local or State Law.
 - (a) Storm and surface drainage.
 - (b) Open areas, yards and drives.
 - (c) Garbage and refuse disposal.
- vi. Utility and Fuel Installations - all wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulation of the New York Board of Fire Underwriters and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground. Fuel tanks, where used, shall be placed at the rear of the manufactured home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. A centralized fuel supply system will be encouraged wherever possible.
- vii. Roadways- No individual manufactured home, within a manufactured home court, will have access to an existing street. Internal roadways within a manufactured home court shall have a minimum right-of-way of fifty (50) feet and a minimum paved or stone course of twenty-two (22) feet. There shall be no dead-end streets in any court. A cul-de-sac or Y turn around will be provided in accord with those provisions in will be provided in accord with those provisions in the Town Special Permit Regulations in Article VI,
- viii. Off- Street Parking- One off-street parking space shall be provided for each manufactured home lot in the manufactured home court outside the fifty (50) foot right-of-way and otherwise comply with off-street parking requirements as set forth elsewhere in these regulations.

- ix. Recreation Area- Open space areas (up to ten [10] percent of the land area) suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed manufactured home court.
- x. Improvements- Each manufactured homeowner/tenant shall be required to meet the standards for manufactured homes set in this code in Article IV, F. titled "Manufactured Homes on Single Lots".
- xi. Application for a permit shall include all information required for a Zoning permit, and in addition:
 - i. A site plan to scale showing elevations, the layout of the court, individual manufactured home lots, the roadway system, parking areas, water supply, sewage disposal and recreation areas.
 - ii. A complete statement describing the proposed method of sewage disposal, water supply, electric, utility and other services.
 - iii. A permit issued by the New York State Department of Health with regard to matters under their jurisdiction.

All permits shall be effective until December 31 of the calendar year of their issuance. An application for the renewable operating permit shall be made to the Town Clerk thirty (30) days prior to expiration of the previous permit. Upon recommendation of the Enforcement Officer, the Town Board shall issue or deny such permit in accord with the requirement set forth in the Land Use Law and Regulations and the established fee schedule.

C. TEMPORARY USES. The following temporary uses are allowed without a building permit, provided that they meet the requirements established for each of the following:

- 1. Garage Sales. Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Such retail sales shall be conducted for no more than fourteen (14) days in any calendar year.
- 2. Town-sponsored or approved uses. Temporary uses or events sponsored, supported or approved by the Town Board shall be permitted for no more than fourteen (14) days in any calendar year.

D. ZONING MAP. The location and boundaries of said districts are hereby established in the Zoning Map of the Town of Morristown. Said map, with all notations, references and designations shown thereon, is hereby made a part of these regulations.

E. INTERPRETATION OF DISTRICT BOUNDARIES. The district boundary lines are intended generally to follow the centerline of streets and highways; the centerline of railroad right-of-way; existing lot lines; the centerline of rivers, streams, and other waterways; and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown in the Zoning map by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning

Map. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundary. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning Map. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

F. MANUFACTURED HOMES ON SINGLE LOTS.

a. Purpose. The purpose of this section is to establish regulations for manufactured homes on a single lot in a manner that protects adjacent landowners and the safety and the general welfare of the Town. In all cases in this document when the term "manufactured home" is used, it also includes the term "mobile home". These regulations are further intended to recognize manufactured homes as a legitimate source of affordable housing appropriate to certain areas of the community. Because quality and appearance varies greatly among manufactured homes the regulations of this section are designed to insure that newly located manufactured homes are compatible with the surrounding neighborhood and that Town property values are protected.

b. Exterior Covering. The exterior covering material of the manufactured home shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area.

c. No more than one (1) manufactured home may be placed on a lot.

d. Storage. A closed, secure storage area outside the manufactured home with a minimum footprint of twenty-five (25) square feet is required. That storage may be in a garage, barn, storage shed, or other accessory building.

e. Skirting. The exterior covering material of manufactured homes or other suitable skirting shall extend to the ground, fully enclosing the perimeter of the manufactured home. All skirting shall be closely compatible with customarily built residential structures in the surrounding area, Bales of hay or other highly combustible materials shall not be permitted.

f. Steps. Proper steps with railings shall be constructed and maintained at each entrance to the manufactured home.

ARTICLE V - Regulations Applicable to All Zones

A. ACCESSORY BUILDINGS.

1. On any lot intended or used for residential purposes, accessory buildings may include a garage, non-commercial home workshop or other accessory building or use in connection with principal dwelling and use.
2. Height: as allowed in the zone.
3. Location: Accessory buildings in residential zones which are not attached to a principal building may be erected in accordance with the setback requirements for the zone applicable to the principal building.
4. Non-residential accessory building. Nonresidential accessory buildings shall comply with front, rear and side yard requirements.
5. Truck bodies, trailers, buses, campers, manufactured homes, etc. shall not be used as accessory buildings.
6. Boat Houses-By special permit only.

B. ACCESSORY STRUCTURES/USAGES.

1. Procedures. On any lot accessory structures or uses in connection with the principle building or use may be constructed and located subject to the following process:
 - a. All accessory structures or uses shall require a building permit to be issued prior to their initiation. Accessory structures under 144 sq ft are exempt.
 - b. All structure or uses accessory to a residence shall be consistent in character and use with the principle residential use and the adjacent neighborhood.
 - c. Accessory structures and uses in conjunction with another use requiring a Conditional Use shall be determined with the review process for any Conditional Use.
 - d. No accessory structure shall be closer that ten (10) feet to a principal structure unless it is attached to such principle structure.
 - e. Accessory structures or uses shall conform with all regulations in the district it is in unless otherwise specified.
 - f. Generally, accessory structures and uses shall not be located within a required front setback. However, if a structure or use (i.e., a permitted sign) is to be located within the front setback requirement all regulations pertaining to setback requirements apply.
2. Specific standards for certain accessory structures/uses private swimming pools.
 - a. The construction of a swimming pool shall require that a building permit be issued by the Code Enforcement Officer.
 - b. All setback requirements shall be satisfied.
 - c. No lighting or spotlighting shall project light rays so as to effect adherently neighboring property or occupants therein.
 - d. An enclosure shall be provided around all outdoor soft-sided swimming pools more than (24" - 48") high and all in ground pools which shall

surround the pool and accessory equipment. Such enclosure shall be at least four (4') feet in height, have a maximum clearance to adjoining grade of two (2") inches and openings, if provided, shall prohibit the passage of two (2") diameter sphere. Fences and other enclosures are subjected to New York State Building Code.

- e. Such enclosure shall resist a horizontal force of fifty (50) pounds per foot applied at a height of four (4') feet. Structural bracing shall be within the enclosure. Gates or doors shall be self-latching closely, with the latch handle at least forty-five (45") inches above grade or located within the enclosure. Above ground pools with at least forty-six (46") inches between pool decking or pool top and adjoining grade, are exempt from this requirement provided that access is restricted. A pool less than twenty-four (24") inches deep is exempt from this requirement.

3. Fencing-Hamlet Only.

- a. The construction of any fence (s) shall require that a building permit be issued by the Code Enforcement Officer.
- b. Fences shall not be constructed of material or in a manner that would be hazardous, unsightly or otherwise interfere with the use of adjoining properties or public right-of-way. Fences cannot block the visibility of oncoming traffic in any direction.
- c. Fences must project the finished side outward and any other structural bracing shall be on the inside of the fence.
- d. Fences must not block the visibility of oncoming traffic at intersections or driveways.
- e. Fences shall be no higher than (6') feet in height on the side and rear yards and four (4') feet in height on the front yard or if a corner lot on any yard running parallel to a street.
- f. Fencing Setback Requirements:
 - Non-Maintenance Type Fences no setback is required. These are fences that would not require any maintenance once erected. It could be constructed without going on the property of another and does not require regular maintenance. Examples are chain link, vinyl coated, molded plastic or page wire fence.
 - Maintenance Type Fences require a one (1') foot setback. A fence that requires regularly maintenance such as painting, replacing of broken or misplaced material. Examples of maintenance type fences are stockade, picket, lattice, stone, brick, cement/cement block, split rail, board-n-baton and vegetation, natural hedge or shrubbery fences.

4. Storage of Unlicensed Operable Vehicles- Hamlet Only

- a. The storage of up the one (1) unlicensed operable vehicle is permitted in all districts if it is visually screen from neighboring lots and roadways or covered with a tarp made of either colored plastic, canvas or a commercially made vehicle cover so that the vehicle cannot be seen.

C. NONCONFORMING USES, LOTS AND STRUCTURES. Any use commenced after the effective date of the Local Law shall comply with its provisions. Any legal use commenced prior to the effective date of this Local Law shall be permitted; however, expansion of such use shall be subject to this Local Law. Lots of record which are smaller in area than the minimum required size as of the date of this Local Law shall be deemed to be in conformance with the minimum lot sizes specified herein but not automatically with respect to the minimum required setbacks.

1. A nonconforming building or use, which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided that the non-conforming area requirements shall not exceed that which existed before said damage. Said restoration must have a building permit issued and work started within two years unless an extension is granted by the Zoning Board of Appeals for due cause. In kind replacement of existing elements shall be permitted in nonconforming uses.
2. Existing lots of record. A one-family dwelling may be constructed on any lot of record at the time of the passage of these regulations in any permitted district even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:
 - a. Adjoining vacant land - The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area.
 - b. Front and Rear yards -Any structure erected on a nonconforming lot shall have front and rear yards conforming to the minimums required for the Residence District in which said property is located, except where conditions make it impossible, and then such as shall be determined by the Board of Appeals.
 - c. Side yards -Any structure erected on a non-conforming lot shall have a minimum side yard of ten (10) feet, except that it shall be twenty (20) feet adjacent to any street.
 - d. The Zoning Board of Appeals shall determine the yards and building width of a lot of record at the time of the passage of these regulations, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.
3. The Planning Board may issue a Special Permit allowing replacement of a nonconforming manufactured home destroyed by catastrophe with a unit of the same size or the next larger available size. The replacement must still meet setback requirements and other specifications for the zone to the same degree as the original structure.

D. PARKING. This section is designated to reduce problems caused by inadequate or poorly designed parking facilities.

1. Off Street Parking. All uses shall provide off-street parking for all vehicles parked during typical peak use periods. Parking shall be designed to eliminate the need to back out into any public or private road. Multiple dwellings and commercial developments must comply with general requirements for facilities for physically handicapped in the New York State Uniform Fire & Building Code. Existing retail/ business 1st floor established located on Main Street and Water Street shall be exempt from parking requirements and be allowed to utilize street parking.
2. Parking Spaces. A parking space shall not be less than ten by twenty (10 by 20) feet, exclusive of access ways and driveways.

Design

1. A required driveway shall be a minimum of ten (10') feet wide and no greater than thirty (30') feet wide. Driveways may be built within three (3') feet of an adjoining property line unless it will be shared with the adjoining property owner. No driveway shall alter the natural drainage to drain onto adjacent property or the drain on a public road.
2. Open parking in commercial/ R/a districts may encroach on a required side or rear yard to within three (3') feet of such side or rear lot line. Access drives shall have a clear visibility at their intersections with the street.
3. No required off-street parking space shall be used for the storage, servicing, or dismantling of automobiles or other vehicles or for loading or unloading purposes.
4. Parking lots for more than twenty (20) parking spaces shall be provided with landscaping and adequate screening to buffer adjoining residential areas.
5. Driveways shall be located so that any vehicles leaving the driveway(s) shall have clear and unobstructed views for a reasonable and safe sight distance to any oncoming traffic.
6. Parking facilities shall be designed so as to eliminate the need for vehicles to back out onto public roads and to provide an orderly and safe circulation system to route traffic on site.
7. Required parking as per listed below:

<u>Use or Activity</u>	<u>Spaces</u>
One and two family dwelling unit: for each dwelling unit	2
Multi-family dwelling unit: for each dwelling unit	2
Manufactured Home on private lot	2
Rooming houses or tourist home: for each room let/basic dwelling unit	1
Home occupation; for the basic dwelling unit	2
School: for each teaching station plus visitor use	1
Museum, gallery, library: for each 500 sq.ft. of gross floor area plus visitor use	1
Church, theater, public assembly: for each five persons to be accommodated	1

Nursing Home: for each three beds: for each employee	1.5
Professional clinic: for each 200 sq.ft. plus: for each professional person	1.5
Retail establishment/banks: for each 100 sq.ft. of gross floor area	1.5
Personal service outlets: for each 100 sq.ft. of gross floor area	1.5
Restaurants: for each 100 sq.ft. of gross floor area or every four (4) seats	1.5
Funeral home: minimum	10
Club/ Fraternal organization: for each 200 sq.ft. plus each member	1.5
Commercial recreation: for each 200 sq.ft. of enclosed space	1
plus: for each 5,000 sq.ft. of outdoor space	
Manufacturing, assembly, or similar industry: for each 500 sq.ft.	1
Or for each two employees, whichever is greater	
Wholesales/food processing/storage: for each employee	1
Lumberyard/building materials: for each employee plus for customer parking	1
Printing/plumbing/electrical establishment: for each employee	1.5

E. SIGNS. Signs shall be permitted only according to standards listed as follows, unless otherwise stated in this local law.

1. No sign attached to a building shall be higher than the principal building and shall not exceed twenty-five (25) feet in height above average grade of the site.
2. No free-standing sign shall be higher than thirty-five (35) feet above the finished grade of the site.
3. No general advertising signs unrelated to the authorized use of the premises are allowed.
4. No sign shall project into a public right-of-way.
5. No sign shall be erected on a public utility pole or traffic control structure.
6. All existing signs at the enactment of this local law shall be allowed to remain as long as they are properly maintained, and their use remains current. When a business is closed more than 6 months the signs shall be removed from such business.
7. All signs shall comply with the New York State Fire Prevention Building Code regarding construction, material, erection, and electrical fixtures.
8. All signs shall be maintained in a safe and neat condition. Structural damage, missing letters, deterioration rendering the sign unreadable or hazardous shall be remedied or the sign shall be removed within sixty (60) days at the landowner's expense.
9. Signs in residential district or connected with a residential building in any district shall not exceed four (4) square feet in area. No more than one (1) such sign shall be permitted for each premises. If lighted, such sign shall not be flashing and shall not project light rays beyond the lot lines that the sign is located on.
10. Signs in a commercial or residential agricultural are permitted provided that such signs advertise or identify the owner or occupant of the premises, or the business, profession, goods or services conducted or dispensed on the premises. Such sign shall not exceed sixty-four (64) square feet in an industrial district. No sign shall extend higher than thirty (30') feet above the ground and shall not extend into or

- hang over any public right-of-way. One free standing sign not exceeding forty (40) square feet on buildings exceeding five thousand (5,000) square feet.
11. Billboards, posters, panels and similar outdoor advertising signs or devices which advertise or identify a product, event, place, personality, or service and are not located on the same premises as the business advertised or identified, shall not be permitted in the town of Morristown.
 12. A temporary sign will be permitted in any district in the town of Morristown for a maximum of thirty (30) days in a six (6) month period. Such temporary sign shall not exceed sixteen (16) square feet in an area and no more than one such sign shall be located on any single premise. Upon expiration of said thirty (30) day period, such temporary signs shall be promptly removed by their owner or by the town of Morristown at the owner's expense. This provision shall not apply to signs identifying real estate for sale.
 13. When a sign consists of individual letter or devices painted on, or attached to a building, the area shall be taken as the area required to circumscribe all such letters or devices and not just the sum of the area of each individual letter or advice.
 14. In the case of a sign or device designed to be read from both sides, whether attached to a building or not, the area of only one side will be measured in determining the size of the sign.
 15. No sign or device shall illuminate so as to constitute a hazard to safety or health or so as to affect advertently neighboring property or the occupants thereof.
 16. Signage per site permitted: two (2) free standing signs with a total of sixty square feet with no side to exceed thirty square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of forty (40) square feet are permitted.
 17. Home Occupation: One (1) attached or one (1) free standing sign having no more than six (6) square feet per side with a maximum of two (2) sides and a maximum height of eight (8) feet.
 18. Any sign adjacent to a residentially used property must be at least fifteen (15) feet from the adjoining property line.

F. FENCES TOWN OF MORRISTOWN.

1. A "fence" is defined for the purposes of this chapter, as an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land or water.
2. All open, solid, or opaque fences, no taller than six (6) feet in height on the side and rear yards or four (4) feet in height on the front yard and, if a corner lot on the said yard, are permitted without a building permit, provided that such fencing:
 - a. Does not block visibility of on-coming traffic at intersections or driveways; and
 - b. Projects a finished side outward towards adjoining lots; and
 - c. Is not a commercial project.
3. Property owners may apply to the Zoning Board of Appeals for a variance for

a higher fence which will require a building permit and is subject to Site Plan Review.

4. The provisions of this section will not apply to agricultural operations in an Agricultural District.

G. **VARIANCES TO MINIMUM LOT SIZE.** The Zoning Board of Appeals may grant the following variance to the requirements for minimum lot size: the requirement may be reduced to three-quarters of an acre. In considering applications for such a variance, the Zoning Board of Appeals shall consider the general purposes of the Land Use Law and Regulations, the issues and procedures in site plan review, and the health and sanitation issues involved when wells and septic systems are too close together.

H. **MISCELLANEOUS.**

1. No structure shall be located in an area possibly subject to seasonal flooding, except as it complies with FEMA elevation guidelines.
2. Driveways or other points of vehicular access onto public roads shall be located in such a manner so as to prevent hazards, such as blind driveways.
3. All residences are required to post their addresses.

ARTICLE VI – Special Permits

- A. **PURPOSE.** It is the intent of this local law to use special permits to control the impact of certain uses upon areas where they could be incompatible unless conditioned in a manner suitable to a particular location. Special permits bring needed flexibility and individuality to the otherwise rigid controls of Land Use Law and Regulations.
- B. **ADMINISTRATION.** The authority to review and grant special permit requests shall rest with the Town Planning Board.
- C. **ADULT ENTERTAINMENT.**
1. Will require a Special Permit and cannot be located closer than 500 feet from any school, church, fire hall, Masonic temple, bank, post office or library.
- D. **PROCEDURE.**
1. Each application for a special permit shall be on forms approved by the Town Planning Board and shall meet all requirements and condition set forth in ARTICLE VII (Site Plan Review).
 2. The Code Enforcement Officer shall refer the submitted special permit application to the Town Planning Board within ten (10) days after receiving the complete application.
 3. At its next regular or special meeting, the Town Planning Board shall designate a public hearing date, as per scheduled meeting dates and submission deadlines established for calendar year. The applicant or agent for the applicant should attend the Planning Board meeting to answer questions concerning the application.
 4. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a hearing notice in the official newspaper. The applicant is required to identify any agricultural operator within an Agricultural District and within five hundred (500) feet of a proposed project. In addition, The Town Planning Board shall provide written notice to all owners of land located within five hundred (500) feet of real property affected by such a special permit. In instances where a proposed project is within five hundred (500) feet of an adjacent township, the applicant shall also provide written notice to said township.
 5. The notice of the public hearing shall be published at least five (5) calendar days prior to the date of the public hearing and shall contain sufficient information so as to identify the property involved and the nature of the proposed action.
 6. The Town Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The record of the Planning Board shall contain the reasons for its decision.

7. The Town Planning Board shall render its decision, either approving, approving with conditions, or denying within sixty-two (62) days after the hearing, unless an extension is mutually agreed upon. Any conditions included with a Special Permit are subject to inspection annually by the Code Enforcement Officer. All special use permit decisions shall be filed with the Town Clerk no later than five (5) business days from the date of decision and a copy of the decision shall be mailed to the applicant.
8. Special Permits are good until the property is sold at which point the purchaser may reapply for a new permit.

E. FINDINGS.

1. The Planning Board shall make written findings for each special permit decision. Findings shall state the decision, the basis for the decision and the evidence relied upon to reach the decision. Compliance with the requirements of Article VI and Article VII shall be substantiated.
2. All decisions shall be made by at least a majority of the full membership of the Town Planning Board. In those cases of a referral disapproved or approved with conditions by the County Planning Board, a majority plus one shall be required to override the County Planning Board decision. A simple majority may always disapprove a County Planning Board recommendation, made under the Town-County Memorandum of Understanding.

F. CONDITIONAL USE STANDARDS.

1. General Provisions “Conditional Uses” are types of land uses that are an appropriate use in a district only if it meets the minimum standards that follow for that particular use. If the proposed use conforms with the standards in this section, it shall be approved. Uses failing to meet these specific standards shall be denied and will require a variance to receive a building permit. A building permit shall be issued by the Code Enforcement Officer for any use listed as a “conditional use” if the Planning Board approves of the special use permit request and approves the site plan. Approval of a special permit for a “conditional use” does not exempt the proposal from Site Plan Review Regulations.
2. Required Submissions Adequate information must be submitted by the applicant so that the Planning Board can clearly assess whether the proposal meets the specific standards for the particular “conditional use”.
3. Procedure The Planning Board upon Application may approve the issuance of a special permit for the “special use” authorized in the text of these Regulations according to the following procedures:
 - a. Application. The Code Enforcement Officer shall transmit copies of the application to the Planning Board. Site Plan information shall also be forwarded to the Planning Board for coordinated review.
 - b. Public Hearing. The Planning Board will schedule and hold a public hearing on any applications for a special permit to allow a “special use”

as per calendar scheduled meetings established.

- c. Decision of Planning Board. The Planning Board shall render its decision within 30 days following the date of the public hearing. The Board shall vote to approve, disapprove, or attach conditions to the approval of a “special use” to satisfy the specific standard for the particular “special use.” Notice of the Boards decision shall be given in writing to the Code Enforcement Officer and the applicant.
4. Expiration A special permit for a “special use” shall be deemed to authorized only one particular “special use” and shall expire if the “special use” or uses shall cease for more than one (1) year except as an extension of the permit period is applied for and, for due cause shown, granted by the Code Enforcement Officer.
5. Special Uses—Specific Standards Electric, Gasoline, Telephone and Cable T.V. Substations
 - a. Electric, Gasoline, and Telephone Stations and Substations in a commercial district may be permitted when site plan review has been submitted and approved and a special permit has been authorized by the Town Board.
 - b. Stations and Substations must blend into the layout and scheme of the district that it is in. It is to produce minimal noise keeping in line with the district that it is located.
 - c. All site plans must include landscaping and a fence must be erected to insure that accidental or unauthorized entry can be prevented and to insure that safety in the area can be maintained. All fences will be constructed of chain link and shall be six (6) ft. in height.

G. ADULT STORES.

1. Adult stores shall be a minimum of one thousand (1,000) feet from any school and five hundred (500) feet from any residences.
2. Exterior signage with nudity and/or obscenity is prohibited.
3. The size of signs for Adult Stores is limited to two (2) free standing signs with a total of thirty (30) square feet with no side to exceed fifteen (15) square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of twenty (20) square feet are permitted.
4. Not allowed in Residential (R-1) or Shoreline (S) Districts.

H. AIRPORTS. A Special Permit is needed in any zone.

1. An application for the establishment, construction, enlargement, or alteration of an airport shall include, in addition to requirements for Special Permit and Site Plan Review as set forth in Article VII, the following statements and information.
 - a. Name and address of the proponent.
 - b. Classification of the proposed airport (commercial, non-commercial, or restricted).

- c. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.).
- d. Number of aircraft expected to be based at the airport initially and within five (5) years.
- e. Type of aircraft expected to be based at the airport (single engine, multi-engine, turboprop, etc.).
- f. Whether an instrument approach procedure will be offered.
- g. Statement as to the anticipated number of daily operations.
- h. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including United States Geological Survey topographic map.
- i. Copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of §249 of the New York State General Business Law.
- j. A site plan of the airport, as approved by the Planning Board, which includes the following, in addition to other site plan requirements given in Article VII:
 - 1. Scale no smaller than one (1) inch equals one hundred (100) feet.
 - 2. Location of existing and proposed structures.
 - 3. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the thirty (30) minutes.
 - 4. Existing and proposed contours at five-foot intervals.
 - 5. Location of aircraft parking and tie-down areas.
 - 6. Provisions for access and off-street parking.
 - 7. Provisions for sanitary waste disposal and water supply.
 - 8. Location and method of fuel storage.
- k. An area map at a scale of no less than one (1) inch equals five hundred (500) feet showing:
 - A. Distances, power lines, or other possible obstructions within two thousand (2,000) feet of the ends of runways shall be accurately plotted in an area extending out from each side of the runway at a 45-degree angle.
 - B. Properties within five hundred (500) feet shall be plotted and identified.
- l. Proof of Compliance with all applicable Federal Aviation Administration requirements and a copy of the New York State Commissioner of Transportation's determination that this facility is in accordance with the provisions of § 249 of the New York State General Business Law.

- I. **CAMPGROUNDS.** Campgrounds shall be occupied only by travel trailers, pick-up camper, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation, and recreational purposes. The removal of wheels or placement of a unit on a foundation in a camping ground is prohibited. Campgrounds must meet these specific regulations:
1. Minimum gross site area: five (5) acres.
 2. Not more than eight (8) travel trailers, campers, tents, recreational vehicles, or motor homes shall be permitted per acre of gross site area. This provision shall not preclude a single tenant such as a scout troop or a family from erecting multiple tents on a single campsite, subject to the discretion of the campground operator.
 3. Minimum site: there shall be a minimum of 5,000 square feet per campsite and a minimum of 10% open space per campsite.
 4. Minimum site width is fifty (50) feet. Setbacks for the frontage shall be the normal setbacks for the zone the campground is in. No site shall be within fifty (50) feet of a property line.
 5. There shall be a fifty (50) foot buffer area between the outside boundaries of the campsite area and adjacent property lines which shall meet setback requirements.
 6. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site shall not be exposed to objectionable smoke, odors or other adverse influences, and no portion of the campgrounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
 7. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of campgrounds are permitted as accessory uses to the campgrounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in campgrounds in such zones where such uses are not allowed as principal uses; however, such establishments shall present no visible evidence from any street outside the campground of their commercial character.
 8. Potable water and sewage disposal: potable water and sewage disposal must meet Department of Health standards.
 9. Campgrounds shall conform to the rules for on-site sewerage for commercial users as listed in the most current edition of the DEC publication "Design Standards for Wastewater Treatment Works".

J. **CHURCHES, SCHOOLS, LIBRARIES.**

1. Site plan review will be required by the Planning Board prior to issuance of a Special Permit.
2. All plans should be in balance with the surrounding neighborhood and district that the plans are being submitted for.
3. Parking must comply with all requirements of off-street parking regulations as listed in Article V sec. D. There shall be fire lanes established to each building that will be free of any parking and shall be maintained and accessible at all times.

4. All signs associated with any churches, schools, or libraires shall comply with the sign regulations of these regulations located in Article V. sec. E.
 5. To protect the neighboring residence, parking areas, outdoor waste disposal areas, outdoor storage areas shall be visually screened from the neighboring use though vegetation, fencing or topography.
 6. All entrances and parking areas shall provide proper lighting and the lighting shall not exceed beyond the boundaries of the lot it is on.
- K. **CONDOMINIUMS AND TOWN HOUSES.** Condominium and Town House projects are subject to review by the Planning Board, especially regarding protection of neighboring properties from noise, glare, and other noxious conditions. The review shall cover the issues involved in Site Plan Review in ARTICLE VII, Section E, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.
- L. **GRAVEL QUARRY.**
1. Allowed only in the Residential-Agricultural District.
 2. Requires Site Plan Review.
 3. Must obtain a New York State D. E. C. Mining Permit where necessary.
- M. **HELICOPTER LANDING SITES.** Helicopter landing sites will be allowed in the Town of Morristown only in the Residential-Agricultural District. In all districts, temporary helicopter landing sites may be designated for special events by special permit issued by the Code Enforcement Officer. Applicants must obtain a special permit that shall be accompanied by a site plan that meets site plan requirements in Article VI. H. 1. 1. Proof of Compliance with all applicable Federal Aviation Administration requirements and regulations and a copy of the New York State Commissioner of Transportation's determination that this facility is in accordance with the provisions of# 249 of the New York State General Business Law. Landings are permitted in all zones for emergency situations.
- N. **HOME OCCUPATIONS, BED & BREAKFASTS.**
1. The Town Planning Board may upon application and a Public Hearing thereon, permit a Home Occupation or Bed and Breakfast in any zone subject to the provisions of this definition and subject to the applicant's ability to provide reasonable evidence that all of the following conditions will be met. The following standards shall apply:
 - a. The occupation will be conducted entirely within a dwelling or existing accessory structure.
 - b. The occupation must clearly be incidental and subordinate to the principal use of the dwelling.
 - c. The establishment and conduct of Home Occupation shall not change the principal character or use of the dwelling unit

- involved.
- d. No more than two (2) people other than members of the immediate family residing on the premises may be employed. To qualify as a Home occupation or B@B the owner must reside at the property
 - e. Not more than twenty-five percent (25%) of the first-floor area, not to exceed five hundred (500) sq. ft. of the residence may be devoted to such Home Occupation in either the dwelling or an accessory structure.
 - f. Such occupation shall not require extensive internal or external alteration or invoke construction features not customarily in a dwelling.
 - g. No traffic shall be generated by such Home Occupation in significantly greater volume than would normally be expected in the zone, and any need for parking generated by the conduct or such Home Occupation shall be met off street parking other than in a required front yard.
 - h. See ARTICLE V, E in reference to sign regulations.
 - i. Notwithstanding the provisions of this section N. HOME OCCUPATIONS, The Town Planning Board, upon application, with a Public Hearing and, at its option, Site Plan Review, may permit daycare as a Home Occupation.
 - j. Bed & Breakfast / Rooming House standards.
 - 1. Site Plan Review will be required by the Planning Board prior to the issuance of a Special Permit to operate a Bed and Breakfast or Rooming House to ensure that the character of the layout is in balance with the surrounding neighborhood and the district in which said request is in.
 - 2. Each Bed and Breakfast or Rooming House shall have a minimum of 20,000 sq. ft. per lot and must meet district setback requirements.
 - 3. Off street parking of at least one (1) parking spaces per every room and one parking space per employee not living in the house must be provided, plus onsite parking for boat storage, if applicable.
 - 4. Must provide green space for recreational use of at least 400 sq. ft. per room to be rented.
 - 5. All entrances and parking areas shall provide proper lighting that does not extend beyond the boundaries of said lot.
 - 6. All parking areas, outdoor waste disposal areas, outdoor storage areas located within twenty (20) feet of an adjacent lot shall be visually screened from the neighboring use through vegetation, fencing, or topography in the side and rear yards.
 - 7. All signs must comply with the standards as set forth of these Laws.

2. Voiding of Permit.

- a. On the recommendation of the Code Enforcement Officer the Town Planning Board may void any Home Occupation Permit for non-compliance with the conditions set forth in approving the Permit.
- b. A Home Occupation Permit is not transferable from the holder to another person or entity. Upon any sale of the premises where a Home Occupation Permit has been authorized, that Permit shall be void as of the date of transfer of title. The new owners may apply for a new permit.

O. INSTITUTIONAL USES, CLUBS, AND DAY-CARE CENTERS. In addition to meeting the minimum yard and lot coverage requirements, any Institutional Use, Club, or Day-care Center shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in ARTICLE VII, shall specifically consider the following in evaluating an institutional use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on adjacent uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, D. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
4. Signage shall meet the standards set forth in ARTICLE V, E. of this local law.

P. KENNELS AND ANIMAL HOSPITALS. Not allowed in Residential (R-1) or Shoreline (S) Districts. Requires a special permit in Residential-Agricultural (R-A) District. Kennels and animal hospitals must meet these specific regulations:

1. Adequate landscaping or fencing shall be provided to create a visual, sound and odor buffer between such facility and adjacent properties.

2. All buildings, pens, runs, structures or other accessory uses shall be at least seventy-five (75) feet from any property line.
3. Buildings and runs shall not occupy more than fifty percent (50%) of the lot.

Q. LIGHT MANUFACTURING ESTABLISHMENTS / FOOD PROCESSING PLANT

1. Will require that site plan review be conducted by the Planning Board prior to the issuance of Special Permit.
2. All Federal and State permits that may be required must be acquired prior to the approval of the site plan review by the Planning Board and the issuance of a Special Permit by the Code Enforcement Officer.
3. Shall be in compliance with the established requirements of Article V, Sec D and the use schedule on appendix page I. all parking areas shall be located in either the side or rear yards.
4. All loading and unloading areas shall be located in the side or rear yards.
5. Light Manufacturing Establishments or Food Processing Plants cannot be located within 500 feet of any residential district.
6. Parking areas, outdoor waste disposal areas and storage areas shall be visually screened from neighboring use through vegetation, fencing or topography.
7. Setbacks requirements for rear and side yards shall be ten (10) feet on the side yards and twenty (20) feet in the rear yard or the same as the height of the building to insure that shadowing of a building onto the adjacent property does not occur.
8. All signs must meet the requirements for signs as established in these regulations as established in Article V, sec. E.

R. MOTORIZED VEHICLE AND EQUIPMENT SALES AND SERVICE AND COMMERCIAL FUEL OUTLETS, WITH OR WITHOUT CONVENIENCE STORE.

1. Lot requirements: same as requirements for zone in which located.
2. Entrance and exit driveways shall have an unrestricted width of not less than twenty (20) feet and shall be located not nearer than twenty (20) feet from any property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
3. All buildings and above ground storage tanks shall be set back from the major or secondary road line a distance of not less than seventy-five (75) feet.
4. Fuel pumps shall be located not less than forty (40) feet from the road, property line, and centerline and not less than thirty (30) feet from all other property lines.
5. No such establishment shall be located within a distance of two hundred (200) feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designated for occupancy of more than fifty (50) persons or within five hundred (500) feet of another gasoline station or repair garage on the same side of the street. Said distance shall be measured in a straight line between the nearest points of another gasoline station or repair garage on the same side of the street. Said distance shall be measured

in a straight line between the nearest points of each lot.

6. The entire area of the site traveled by motor vehicle shall be hard-surfaced or graveled.
7. Motor vehicles and equipment shall be stored in a neat and orderly manner. Partially dismantled or wrecked vehicles or equipment shall be screened to avoid visual unattractiveness.
8. Any new motorized vehicle, equipment sales and service, commercial fuel outlets with or without a convenience store that will be adjacent to a residential use or zone shall be screened from the residential use or zone by dense natural plantings or a solid wall or fence to a point where one is not visible from the other. The separation shall not hinder visibility for traffic flow.

S. MULTIPLE-FAMILY DWELLINGS. Multiple-family dwellings must meet these specific regulations:

1. The maximum gross density shall not exceed eight (8) units per acre providing all health and State Building Code requirements are met.
2. The building lot coverage of multiple-family dwelling developments shall not exceed thirty percent (30%) of the total lot area.
3. Setback requirements:
 - a. Front setbacks shall be whatever the zone setback requirements are.
 - b. The side and rear setbacks shall be fifty (50) feet from all other lot lines.
 - c. Minimum distance between buildings in a multiple-family dwelling development shall be eighty (80) feet.
4. Off-street parking shall be provided in the amount of two (2) spaces for each unit. Additional visitor parking of 0.25 parking spaces per dwelling unit shall be required. [One (1) additional parking space for each four (4) units.]
5. Plans submitted for site plan approval shall include: sewage disposal, water supply, storm drainage, recreation area, landscaping, lighting and any other requirements of site plan review.

T. MANUFACTURED HOME IN RESIDENTIAL DISTRICTS.

1. Exterior Covering. The exterior covering material of the manufactured home shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area.
2. Skirting. The exterior covering material of manufactured homes or other suitable skirting shall extend to the ground, fully enclosing the perimeter of the mobile home. All skirting shall be closely compatible with customarily built residential structures in the surrounding area, bales of hay or other highly combustible materials shall not be permitted.
3. Steps. Proper steps with railings shall be constructed and maintained at each entrance to the manufactured home.

U. PUBLIC FIRING RANGE. Not allowed in Residential (R-1) or Shoreline Districts

(S). Public Firing Ranges are subject to review by the Planning Board, especially covering the use of bunkers, berms, and other tools to address safety issues, as well as covering the issues involved in Site Plan Review in ARTICLE VII, Section E, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.

V. PUBLIC PARKS / PLAYGROUNDS.

1. Site plan review is required and needs approval by the Planning Board prior to issuance of a Special Building Permit.
2. All parks and playgrounds require a minimum lot size of 10,000 sq. ft. and must provide off street parking of at least ten (10) parking spaces for every 10,000 sq. ft. of playground/park area.
3. All public playground or park areas must be fenced in. Fences can only be constructed of a chain link type fencing and must meet fencing requirements as required in Article V, sec. F.
4. All recreational equipment will be placed within the fenced area.
5. Hours of operation or times when the park is to be open on a daily basis will be established by the Planning Board and Town Board.
6. If the park is to be in a residential district it will be screened from bordering neighbors with a natural landscaping that is in balance with the existing surroundings.

W. RECREATIONAL FACILITIES. In addition to meeting the minimum yard and lot coverage requirements, any Recreational Facility shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in ARTICLE VII, shall specifically consider the following in evaluating a recreational use proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on adjacent uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
2. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.

3. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, D. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
4. Signage shall meet the standards set forth in ARTICLE V, E. of this local law.

X. SMALL RURAL BUSINESS, PLUMBING, BUILDING OR ELECTRICAL CONTRACTING OR SUPPLIES, AND DISTRIBUTION FACILITIES. In addition to meeting the minimum yard and lot coverage requirements, any Small Rural Business, Plumbing, Building or Electrical Contracting or Supplies Business or Distribution Facility shall be subject to the following limitations:

1. The Town Planning Board, in addition to the site plan review criteria specified elsewhere in Article VII, shall specifically consider the following in evaluating a small rural business proposal. Evidence of such additional consideration shall be set forth in writing as part of the determination record issued by the Town Planning Board for the proposed use.
 - a. Compatibility. The use shall be of such location, size and character that will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - b. Effect on Adjacent Uses. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
2. The total number of employees, including owner(s) shall not exceed twenty (20) persons. The Zoning Board of Appeals, may, however, issue a variance allowing more employees when the applicant demonstrates that the variance would be consistent with the purposes of the Residential-Agricultural District.
3. Businesses that will emit State-threshold levels of dust, smoke or fumes shall obtain air quality permits from the Regulatory Affairs Office of the NYS Department of Environmental Conservation prior to submitting an application.
4. Off-street parking shall be provided for all residents, customers and/or employees in compliance with the ARTICLE V, D. of this local law. As may be required, such uses shall make adequate provisions for any necessary off-street loading.
5. Signage shall meet the standards set forth in ARTICLE V, E. of this local law.
6. As may be applicable petroleum bulk storage permits shall be obtained from the NYS Department of Environmental Conservation prior to submitting an application for Small Rural Business.

Y. TELECOMMUNICATION TOWERS. Not allowed in Residential (R) or Shoreline (S) Districts.

1. Shared use of existing towers. At all times, shared use of existing towers or the co-location of a new telecommunication facility on an existing structure shall be preferred to the construction of new towers. 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 as an alternative to a proposed new tower.
 - a. An applicant proposing to share the use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
 - b. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
2. Shared usage of site with new tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsections (1.) (a.) and (b.) above. Any new telecommunication tower approved for an existing tower site shall be subject to the standards of Subsection (3.) through (12.) below.
3. New tower at a new location. The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing towers, as well as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required to the form of empirical data illustrating said need.
4. Future shared usage of new towers. The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities. The scope of this analysis shall be determined by the Board. This requirement may be waived, provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon:
 - a. The number of Federal Communications Commission (FCC) licenses available for the area.

- b. The kind of tower site and structure proposed.
 - c. The number of existing and potential licenses without tower spaces.
 - d. Available spaces on existing and approved towers.
 - e. Potential adverse visual impact by a tower designed for shared usage.
5. Lot size and setbacks for new towers. All proposed telecommunication tower and accessory structures shall be located on a single parcel and set back from abutting residential parcels, public property, or street lines a distance sufficient to substantially contain all icefall or debris from tower failure on-site and to preserve the privacy of the adjoining residential properties.
- a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.
 - b. All tower bases shall be located at a setback from any property line a minimum distance equal to one and one half (1 ½) times the height of the tower.
 - c. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.
6. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:
- a. A "Zone of Visibility Map" provided to determine location(s) where the tower may be seen from.
 - b. Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to, state highways, major roads, state and local parks, and areas of aesthetic interest.
 - c. Alternative tower designs and color schemes.
 - d. Description of visual impact of the tower base, guy wires and foundations, accessory buildings, and overhead utility lines from abutting properties and streets.
7. If tower lighting is required by federal, state, or local regulations, a lighting technique will be used which will not interfere with the reasonable use of neighboring property. In particular, strobe lights may not be operated at nighttime with daylight intensity levels.
8. New tower design. Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new

tower shall comply with the following:

- a. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards Institute as prepared by the engineering department of the Electronics Industry Association and the Telecommunications Industry Association.
 - b. Unless specifically required by other regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
 - c. The Board may request a review of the application by a qualified engineer for the evaluation of need for the design of any new tower.
 - d. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
 - e. No portion of any tower or related structure shall be used for a sign or other advertising purpose, including, but not limited to, company name, phone numbers, banners, or streamers.
9. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential or public property, including streets, screening shall be required.
10. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road construction shall, at all times minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
11. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured. A fence approved by the Board shall enclose the site unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
12. Health Concerns -Testing and Reporting. The tower company may be required to pay for regular inspections (annually) if such structure is located within one- thousand (1000) feet of a residence or occupied structure and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.
13. Removal. Obsolete or unused towers and related structures shall be removed from any site within one year of discontinuance of use.
- Z. TOURIST COTTAGES/ SHORT TERM RENTALS. Colonies of two or more cottages or one cottage or one single family residence on a plot of land under single ownership are subject to review by the Planning Board, especially regarding adequate emergency and service access. The review shall cover the

issues involved in Site Plan Review in ARTICLE VII, Section E.

General Considerations. The Planning Board may attach conditions to its approval as it sees fit.

1. Purpose

- a. The purpose of this local law of Town of Morristown Code to regulate the short-term rentals of dwelling units within the town and to establish comprehensive review and special permit to safeguard the public health, safety, and welfare by regulating and controlling the use, occupancy, oversight, and maintenance of short-term rental properties. The Town of Morristown also recognizes that in the Residential and Residential-Agricultural Districts, the historical nature of the community has been that of a small, residential resort community of owner-occupied dwellings and that extensive short term rentals endanger the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners in the Town of Morristown, this local law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.
- b. This section shall apply to all properties in the Residential, Residential Agricultural Districts and the Shoreline District within the Town of Morristown.
- c. The Town of Morristown reserve the right to adopt regulations to carry out provisions and purposes of this section by resolution.

2. Short-Term Rental Regulations

- a. A special permit is required. An owner shall obtain a revocable short-term special permit whenever a dwelling unit is to be used for a short-term purposes.
 - (1) A special permit shall be obtained prior to using the unit as a short-term rental. No property may be used as a short-term rental without a special permit.
 - (2) The special permit is not transferable to a new owner of the short-term rental property.
 - (3) If the terms of the special permit are not followed, or these regulations or those subsequently adopted are not followed, the special permit may be revoked.
 - (4) No permit shall be issued, nor re-issued, unless the unit: of the property

complies with the Town of Morristown Land Use Code, expressly including the terms of this section, the New York State Building Code and any other municipal code which may be applicable to the property and its use for short-term rental; and the Enforcement Officer receives the septic system inspection report provided by subdivision D. of this section.

(5) The Town of Morristown will offer a one-time grandfathering opportunity recognizing existing short-term rental units, A property owner will have the opportunity to register with the Code Enforcement Office for their Short-Term Rental. The one-time grandfathering will be accepted for a period of 3 months after the enactment of this ordinance, after that time all new short-term rentals shall be required to apply for a Special Use Permit, They would also be subject to regular fire and safety inspections.

b. Short-Term Rental Permit Application Requirements: An application for issuance or renewal of a short-term rental permit shall be submitted to the Enforcement Officer, signed by the owner or a person legally authorized to act on behalf of the owner or entity owning the subject property, accompanied by payment of the tri-annual permit fee in an amount to be set by Resolution of the Town Board , completed on the form provided and established by the Enforcement Officer , and shall at a minimum provided the following information:

1) A list of all the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses. If owned by a limited liability company, a corporation or other entity the names, addresses, telephone number and email addresses of the officers of such entity and members and shareholders representing over 50% ownership of the entity.

2) Completion of a signed and notarized affidavit by the property owner(s) certifying the following:

a) Compliance with the following standards:

i. There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and in each room with an open flame source, and at least one carbon monoxide detector on each floor level.

- ii. Exterior doors shall be operational and all passages to exterior doors shall be clear and unobstructed.
 - iii. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
 - iv. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed, and flues cleaned within 12 months of application for permit.
 - v. Each bedroom shall be in compliance with the New York State Building Code.
- b) A statement of the number of bedrooms within the short-term rental property that meet the standards set forth herein.
- c) A statement of the number of parking spaces on the property that meet the standards set fourth herein.
- 3) A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field.
- 4) If the property is served by a private septic system, a septic inspection report issued and dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with the regulations of the N.Y.S. Department of Health (referred to in chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Code of rules and regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A written certification by a New York State Professional Engineer indicating the system was inspected prior to the application for a permit and is in good working order may satisfy this condition. The Maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area. A system failure will require a new passing inspection report.

- 5) The name, address, telephone number, and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The name, address, telephone number, and email address of the owner who shall also serve as a secondary contact person. The contact person may be the owner, or an agent designated by the owner to serve as a contact person. This contact person must be within sixty (60) minutes distance by car and must be available by phone or electronic messaging 24 hours per day, 7 days a week.

3. Short-Term Rental Standards

- a. Required off-street automobile parking spaces for short-term rentals shall be equal to the maximum number of motor vehicles prohibited. The number of vehicles permitted overnight is limited to one (1) vehicle per bedroom.
- b. A parking space shall have a minimum of 200 square feet in a rectangular configuration of 10 feet by 20 feet.
- c. Parking of watercraft trailers shall be in designated parking.
- d. A house number visible from the street or road shall be maintained.
- e. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pick-up time.
- f. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.
- g. Each bedroom shall be at least 70 square feet in size.
- h. There shall be no campers located on the short-term rental property nor shall there be any overnight camping in tents or otherwise used in conjunction with short-term rentals to provide additional sleeping areas beyond the Max occupancy.
- i. Weddings, corporate events, commercial functions, and any other similar type of outdoor events must end by 10:00 P.M. All such

events are subject to applicable noise restrictions under Town of Morristown Code or under any other local law or ordinance.

- j. The maximum occupancy for each short-term rental unit shall be the most restrictive of the following:
 - 1) Maximum occupancy shall be calculated as two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (2) additional occupants.
Examples:
 - a) 2 Bedrooms unit = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.
 - b) 4 Bedroom unit = 8 occupants for 4 bedrooms + 2 additional = 10 maximum.
 - c) 6 Bedroom unit = 12 occupants for 6 bedrooms + 2 additional = 14 maximum, OR
 - 2) Maximum occupancy for studio apartment shall be 2 occupants for the first 220 sq. ft. with 1 additional occupant for each additional 100 sq. ft. of living space. Example: 500 sq. ft. studio = 2 for first 220 sq. ft. + 3 for 330 remaining sq. ft. = 5 maximum, OR
 - 3) Maximum capacity of the septic system for properties serviced by a septic system.

4. Procedure upon filing application.

- a. Upon the filing with the Enforcement Officer of the special permit application, and all documents and information required by this section, the Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Enforcement Officer.
- b. In reviewing the application, the Enforcement Officer shall have the right to inspect the short-term rental property for purposes of ensuring compliance with this section. Additionally, a complete inspection of the electrical system shall be conducted by a electrical inspection

agency approved by the Town.

- c. The Enforcement Officer may decline an application for any of the following reasons:
- 1) If the application is incomplete, the documentation required by this section or regulations adopted by the Town of Morristown was not included with the application or the full permit fee, in an acceptable form of payment, was not included with the application.
 - 2) If the Enforcement Officer previously issued a short-term special permit and any of such owners had a short-term special permit revoked within the previous year.
 - 3) If the affidavit from the owners or if an inspection conducted by the Enforcement Officer as authorized in this section shows evidences that the subject property is not in compliance with this section of the Town of Morristown Land Use Code.
 - 4) If the site plan required to be submitted with the application does not conform with the requirements of this section.
 - 5) If a private septic inspection report is required to be submitted with the application and if such report does not conform with the requirements of this section.
- d. Short-term special permit issued pursuant to this section shall state the following:
- 1) The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property. Also, a primary contact person who shall be available by phone or electronic messaging to respond to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented.
 - 2) The maximum occupancy and vehicle limits for the short-term rental unit.
 - 3) Identification of the number of and location of

parking spaces available;

- 4) A statement that littering is illegal;
- 5) A statement that all fires must be attended; when not attended fire must be extinguished.
- 6) A statement that renters must comply with noise ordinance , which set strict limits on noise levels between 10:00 p.m. and 7:00 a.m., which will be enforced by either the Enforcement Officer, St. Lawrence County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the short-term rental property or incident.
- 7) A statement that the short-term special permit may be revoked for violations.

5. Display of Permit and Notification

- a. The issuance of a short-term special permit is subject to continued compliance with the requirements of these regulations.
- b. Prior to any renters taking occupancy of the short-term rental property:
 - 1) Occupants shall be informed of locations of Utilities.
 - 2) A hard copy of the current short-term special permit shall be available for public inspection in the Code's office.
 - 3) A hard copy of the short-term special permit shall be prominently displayed near the front entrance of the short-term rental unit. The Enforcement Officer may also require that other information must be on prominent display in the short-term rental unit.
 - 4) The owners must ensure that current and accurate information is provided to the Enforcement Officer and that they notify the Enforcement Officer immediately upon any information contained on the permit changing. If, based on such changes, the Enforcement Officer issues an amended short-term special permit, the owners must immediately replace the permit displayed inside and near the front

entrance of the short-term rental unit with amended permit.

- 5) The Enforcement Officer shall provide a packet of information with the issuance of each permit summarizing the restriction, guidelines, and requirements applicable to short-term rental use.

6. **Compliance, Hearings, and Penalties.** Owners of short-term rental units shall obey all applicable laws, ordinances, and regulations of the Town of Morristown, St. Lawrence, New York, and the United States of America, and shall be subject to the enforcement and penalty provisions contained in the Town of Morristown Land Use Code and any other state or local law.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

- a. The complaining party may contact the contact person designated on the permit, a law enforcement agency, the Code Enforcement Officer, or any other person or entity which could assist in resolving the complaint and described the problem from which the complaint arises and indicates the desired remedy.
- b. The contact person shall respond to the complaint within sixty (60) minutes of receiving it and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
- c. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Enforcement Officer by submitting a written complaint. The form of the complaint shall be established by the Enforcement Officer and may be filed in person, by mail, by email, or online. The complaint shall provide pertinent information including that the complaint either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.
- d. If the Enforcement Officer finds a violation of the permit or of this section, the Enforcement Officer may do any of the following depending on the circumstances:

- 1) Attach reasonable conditions to the existing short-term special permit.
- 2) Suspend the short-term special permit.
- 3) Revoke the short-term special permit; or
- 4) Issue a violation or warning.
- 5) Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term special permits sooner than one year after the date of revocation.
- 6) Decisions of the Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant. The appeals will be heard by the Town Council.
- 7) Any property owner found in willful violation of the provisions of this local law shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.
- 8) The Enforcement Officers or his designee shall have the right to inspect the short-term rental property to ensure it complies with the provisions of this section at any reasonable time of day upon giving reasonable notice to the owner and occupant of said unit.

7. Required Off-Street Parking

1. Required off-street automobile parking spaces for short-term rentals shall be equal to the maximum number of motor vehicles permitted by the following subdivision B with the exception of Main Street from U.S. Post Office to One Main Street *In the section of Main Street from U.S. Post Office top One Main Street the applicant must demonstrate that they have off-street parking meeting the standards in this Section and Section B.21G. Parking spaces within a home garage shall not be counted as parking spaces unless the garage is actually used for and available for parking and each space meets the standards below in subdivision 3.
2. The maximum number of motor vehicles for a short-term rental unit shall be one (1) vehicle per bedroom.

3. A parking space shall have a minimum of 200 square feet in a rectangular configuration of 10 feet by 20 feet.
4. Parking of watercraft trailers shall be in designated parking.

AA. BOAT HOUSES – Special Permit Only.

1. Max 15 ft height measured from high water mark to roof peak or top rail of roof top deck is constructed.
2. Max length 35 ft.
3. Side setback 10 ft from projected property line.
4. Distance from shore – boat house must start no further than 10 ft from shoreline.
5. Max width 24 ft.
6. All boat houses shall be designed by a NY State engineer or architect.
7. Supporting structure- boat house must be on permanent not floating docks.
8. No residential occupancy allowed in boat houses.
9. Notice shall be sent via cert mail to adjoining property owner located 500 ft each side advising of proposed constructed- cost of mailing, responsible of owner.
10. A rendition of proposed structure to scale shall be included in application.

BB. JUNKYARD

ARTICLE A: INTRODUCTION

Section 1. Authority

This law I adopted pursuant to the authority granted to the Town of Morristown in Section 10 of the Municipal Home Rule Law in Section 130(15) of Town Law.

Section 2. Title

This local law shall be known as the “Town of Morristown Junk/Junkyard Storage Law”.

Section 3. Purpose of the Junk/Junkyard Storage Law

By adaptation of this law the Town of Morristown declares its intent to regulate and control the storage or keeping of junk, and to regulate junkyards operated for commercial profit or otherwise. The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and the junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable and sometimes explosive. Junk and particularly junked vehicles (refrigerators, freezers, etc.) can contribute attractive nuisance to children and certain adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view. This law is also to protect the public from noxious smoke, gases, odors and noise and to aid in the enforcement of the N.Y.S. Penal Law with respect to the disposal of stolen goods.

Section 4. Prior Existing Junk/Junkyard Law

The Local Law shall replace and supersede the prior existing Junk/Junkyard Law of the Town of Morristown.

ARTICLE B: DEFINITIONS

For the purpose of this law, the following words, and phrases shall have the meaning ascribed to them in this article.

Enforcement Officer:

Any person appointed by the Town Board to represent them in particular matters pertaining to this local law.

Junk:

The outdoor storage or deposit of any of the following shall constitute junk.

1. Three (3) or more junk vehicles.
2. One (1) or more junk mobile homes.
3. Two (2) or more abandoned or inoperable appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerator, freezers, and televisions.
4. Two (2) or more abandoned or irreparably damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
5. Any combination of the above or parts of the above that total three (3) or more items.

Junk Mobile Home:

A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under New York State Uniform Fire Prevention and Building Code. Includes but is not limited to mobile homes, travel trailers and campers.

Junk Storage Area:

The areas of any parcel of land or water used or intended to be used for the placement, storage, or deposit of junk.

Junk Vehicles:

Three (3) or more unregistered, old, secondhand motor Vehicle, no longer intended or in condition for legal use on the public highways or used parts or waste materials from motor vehicles which, taken together, equal in bulk three (3) or more such vehicles. A vehicle is considered junked when it meets all the following conditions:

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

public highways.

4. It is in such condition as to cost more to repair to operating conditions, that its reasonable market value at the time before such repair.

Junkyard:

The outdoor storage or deposit of any of the following:

1. Five (5) or more junk vehicles.
2. Two (2) or more junk mobile homes.
3. Five (5) or more junk appliances.
4. Five (5) or more pieces of junk furniture.
5. Any combination of the above that totals (5) items,

Motor Vehicles:

All vehicles propelled or drawn by power

Persons:

Any individual, firm, partnership, association, corporation, company, or organization of any kind.

ARTICLE C: JUNKYARD REGULATIONS

No junk storage area shall be located within one hundred (100) feet of/from:

- A. Any adjoining property line;
- B. Any public park, church, educational facility, nursing home, public building or other place of public gathering;
- C. Any stream, lake, pond, wetland or other body of water; or No junk storage area shall be located within fifty (50) feet of/from: the right-of-way of any public highway.

Section 2. Fencing

There must be erected and maintained an eight (8) foot high fence enclosing the entire junkyard and a locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence the materials dealt with by the operator of the junkyard.

Fencing requirements may be waived where topography or other natural conditions, effectively prohibit the entrance of children and others. Said enclosure or fence shall be constructed in accordance with any reasonable rules and regulations imposed by the designated Enforcement Officer and shall not be used for billboard purposes nor for the display of advertising of any kind.

Section 3. Screening

Where a junkyard is or would be visible from a public highway or from neighboring properties the fence provides in Section 2 above, shall be of wood, or other materials sufficient to totally screen the junkyard from view. Such screening may be permitted by adequate planting of evergreen trees or shrubbery.

Section 4. Burning

No materials shall be burned in a junkyard except in compliance with the New York State Solid Waste Disposal Law (NYCRR Part 215).

Section 5. Burying

No junkyard items shall be buried in a junkyard except in compliance to New York State Solid Waste Disposal Law (NYCRR Part 360).

Section 6. Approved Junkyard items

No junkyard items shall be stored in any junk storage area other than those items specified on a junkyard permit approved by the Town Board pursuant to this law.

ARTICLE E: JUNKYARD PERMIT

Section 1. Permit Required

- A. No person shall establish or maintain a junkyard within the Town of Morristown unless a permit has been issued for such junkyard pursuant to this law.
- B. No person owning, having any right to, or any interest in any real property within the Town of Morristown shall license, rent, lease, or otherwise permit the use of such real property of any party thereof for a junkyard unless a permit has first been issued for such junkyard pursuant to this law.
- C. All permits shall be issued for a period of one (1) year, after which time a renewal shall be required.
Permits shall run from January 1 to December 31, next succeeding the date of issuance thereof, unless sooner revoked by the Enforcement Officer or Town Board.

Section 2. Temporary Permit for Prior Existing Junkyard

Any person maintaining a junkyard prior to the effective date of this law within the Town of Morristown shall apply for a permit within sixty (60) days of the adoption of this local law. If the junk storage area does not meet the requirements of Article D herein, a temporary permit shall be granted for a period not exceed one (1) year, during which time the junk storage area shall be arranged to comply with said requirements, such person shall cease and desist from maintaining a junkyard and all junk shall be removed from the premises.

ARTICLE F: APPLICATION PROCEDURES

Section 1. Application

The applicant for a junkyard permit shall obtain application forms from the Town Clerk. The completed form along with one copy of the proposed site plan, and the appropriate fees, shall be returned to the Clerk. The Clerk shall submit the application materials to the Town Board.

Section 2. Site Plan Contexts

The site plan shall be drawn to scale or indicating all dimensions and show:

- A. all existing and proposed structures, including fences;
- B. all property lines including the names of owners of adjacent property;
- C. all streams, lakes, wetlands, floodplains, and other water bodies;
- D. all wells and sanitary facilities
- E. all roads and easements
- F. all existing and proposed junk storage areas:
- G. all existing and proposed accessways, and parking and loading areas.

Section 3. Environmental Impact Statement

An Environment Assessment Form (EAF) shall be completed and submitted with all applicants pursuant to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617. If the EAF indicates that the proposed activity may have significant environmental consequences, the Town Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Town Board.

Section 4. Application Fee

An application fee of \$1000.00 shall accompany all applications. Each renewal thereof shall be in the amount of \$250.00.

Section 5. Public Hearing

The Town Board shall fix a time within sixty-two (62) days of the date a complete application is received for a public hearing. Notice of the hearing shall be made in the official newspaper at least five working (5) days prior to the date thereof. At the hearing the Town Board shall hear the

applicant and all other persons wishing to be heard on the application for a junkyard permit.

Section 6. Town Board Action

Within sixty- two (62) days of said hearing the Town Board shall render a decision to approve, approve subject to conditions, or disapprove the application for a junkyard permit. The sixty-five- two (62) day period may be extended by mutual consent of the applicant and the Board. All findings of the board shall be entered into the official minutes of the Town. The decision of the Board shall immediately be filed into the office of the Town Clerk and the applicant shall be notifying of the decision and the reason for such decision by certified mail within five (5) days of the decision of the Board. Upon arrival of the site plan the application, and payment of the fees and reimbursable cost due the Town, the Board shall endorse its approval upon a copy of the final site plan and application.

Section 7. Issuance of Permit

- A. If the application is approved by the Town Board, a Junkyard Permit shall be issued by the Clerk.
- B. If the application is approved with conditions by the Board, the Clerk shall issue a Junkyard Permit upon notification by the Enforcement Officer that said conditions have been complied with.

ARTICLE G: GENERAL CONSIDERATION

Section 1. Aesthetic Considerations

In granting or denying a permit, the Town Board shall take the following aesthetic factors into consideration:

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

Section 2. Locational Considerations

In granting or denying a permit, the Town Board shall take the following locational factors into consideration:

- A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odor or smoke, or of other causes.
- C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.
- D. Local drainage patterns.
- E. Long range comprehensive plans for the town.
- F. Proximity of the site to established residential or recreational areas.
- G. Availability of other suitable sites for the junkyard.

ARTICLE H: ADMININTRAION AND ENFORCEMENT

Section 1. Variance

Where the Town Board finds that due to special circumstances of the particular case, the zoning board may review a variance of certain requirements as stated in Article D herein is justified, them a variance may be granted. No variance shall be granted, however, unless the Board finds, records in its minutes that:

- A. Granting the variance would be keeping with the intent and spirit of this law, and is in the best interests of the community.
- B. There are special circumstances involved in the particular case.
- C. Denying the variance would result in undue hardships to the applicant, provide that such hardship has not been self-imposed.
- D. The variance is the minimum necessary to accomplish the purpose.

Section 2. Enforcement Officer

- A. The enforcement officer shall upon request of the Board make inspections of the premises of any junkyard for which application for a permit has been made, or any other existing junkyard withing the town, and shall report to the Board on the conditions of such junkyard.
- B. The enforcement officer shall make periodic inspections of the town to ensure that all existing junkyards have permits and that the requirements of this law are met. Any observed violations shall be reported to the Board.
- C. The enforcement officer shall not enter the premise of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to permit issuance or renewal.

Section 3. Revocation of Permit

The Town Board may revoke a Junkyard Permit upon reasonable causes should the applicant fail to comply with any provision of this law. Before a permit may be revoked, a public hearing shall be held by the Board. Notice of the hearing shall be made in the official newspaper at least five working (5) days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing the Board shall hear the permit holder and all the other persons wishing to be heard on the revocation of the Junkyard stated in the Board minutes. The permit holder shall be immediately notified of the revocation by certified mail.

Any license issued as herein provided may be revoked by the Enforcement officer or Town Board for good cause after a hearing. "Good cause" shall include any violation of any Town ordinance, local law, rule or regulation, dealing with health, fire hazard or building standards. "Good cause" shall also include the maintenance of any such building, structure, or yard in such manner as to constitute a public nuisance. "Good cause" shall also include the making of a false statement by applicant in his, their or its application for a license.

Section 4. Restrictions

- A. No person shall conduct or maintain any building, structure or yard in any other place that the one designated in the license therefor, nor shall he continue to carry on business after such license has been revoked or expired.
- B. No person conducting or maintaining any building, structure, or yard as provided under this law shall purchase any article from any child under sixteen (16) years of age, nor from any person apparently intoxicated not from any person between 6:00 p.m. and 7:00 a.m.
- C. No license shall be granted as herein above provided to any person who shall have been convicted within two (2) years of the date of application of a violation of this chapter or if a firm or corporation of which a member or officer shall have been so convicted; or any person who has been convicted of a felony or knowingly received stolen goods or if a firm or corporation of which any members or officer has or have been convicted of a felony or knowingly received stolen goods.

- D. No person shall conduct or maintain any building, structure, or yard or carry-on any business in such manner as to unduly disturb the peace and quiet of the neighborhood or in such manner as to create a public nuisance or create conditions detrimental to life or health or seriously impair the use and comfortable enjoyment of property in the vicinity. All premises used for nay business under this law shall, at all times, be kept in a cleanly, wholesome condition and in full compliance with all the ordinance and local laws of the town and in accordance with the reasonable rules, regulations and direction of the Health Department and the Fire Department. All accumulations of waste such as rubber, cloth, hair goods from demolished machinery and vehicles and all the unsaleable material known as "junk" shall not be allowed to accumulate and become a breeding place for rats and vermin but shall be disposed of accordance with law. All business of conducting and maintaining any building structure, or yard or any building or selling under this law shall be confined to the licensed premises and any public roadways adjacent to such premises shall be kept free of junk, debris, and other materials at all times. No iron or other metal shall be broken before 8:00 a.m. and 6:00 p.m.

Section 5. Penalties

- A. Any person who shall violate any of the provisions of this local law shall be guilty of an offense and subject to a fine not less than one hundred dollars (\$100.00) or more that two hundred fifty dollars (\$250.00). every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- B. In addition to the penalty imposed, the license may be suspended or revoked.
- C. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of nay article of this local law.

ARTICLE I: SERVERABILITY

If any clause, sentence, paragraph, section or article of this local law shall be adjudges by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined on its operations to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VII - Site Plan Review

- A. **SITE PLAN REVIEW.** The intent of this section is to set forth general standards applying to the review of certain land uses and activities. The nature of these uses and activities requires special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Town to accommodate development consistent with the objectives of this local law and the Town Plan.

The principal areas of concern are:

1. The balancing of landowner rights to use their land with corresponding rights of neighboring landowners to live without undue disturbance from nuisances in the form of noise, smoke, fumes, vibrations, dust, odor, glare, and storm water runoff.
2. The safety and convenience of vehicular and pedestrian movement

within the site and in relation to adjacent areas or roads.

3. The use shall be of such locations, size and character that it will be in harmony with the appropriate and orderly development of the town and will not be determined to the orderly development of adjacent roads.

- B. **USES REQUIRING SITE PLAN APPROVAL.** Uses requiring site plan approval are listed for each zone in Article IV. All uses requiring a special permit also require site plan approval.
- C. **PRE-APPLICATION CONFERENCE.** A pre-application conference may be held between the Planning Board and applicant to review the basic site design concept and generally determining what additional information (if any) to be required on the site plan including landscaping materials, if any.
- D. **PLANNING BOARD SITE PLAN REVIEW. (APPLICATION CRITERIA).** An application for site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist. The authority to conduct site plan reviews shall rest with the Town Planning Board. The Planning Board may require additional information if necessary to complete its review.

1. Plan checklist for all site plans.

- a. Title of drawing, including the name and address of the owner, the applicant, and the person responsible for preparation of such drawing; it shall also include the Tax Map Number.
- b. North arrow, scale, and date.
- c. Boundaries of property plotted to scale.
- d. Existing water course and bodies of water and designated wetlands.
- e. Grading and drainage plans, showing existing and proposed contours and where storm water will leave the site.
- f. A United States Geographic Survey (USGS) map or equivalent of the area shall be provided.
- g. Proposed grading and drainage and storm water management system, if any.
- h. Location, design, type of construction, setbacks from lot lines, proposed use, and exterior dimensions of all buildings.
- i. Locations, design, and type of all construction of all parking and truck loading areas showing access and egress.
- j. Provision for pedestrian access.
- k. Location of outdoor storage (if any).
- l. Location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
- m. Location of fire hydrants.
- n. Location, size, design, and type of construction of all proposed

signs.

- o. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
- p. Location of outdoor storage, if any.
- q. Description of the method of sewage disposal and location of the facilities.
- r. Identification of water source; if a well, locate it.
- s. Location and proposed development of all buffer areas including landscaping materials, if any.
- t. Location and proposed development of all buffer areas and screening, including existing vegetation cover.
- u. Location and design of outdoor lighting facilities.
- v. Identification of the location and square footage of building areas to determine parking needs and footage for percentage of use of existing building for conditional usage.
- w. Location of essential services.
- x. General landscaping plan and planting schedule.
- y. An estimate of projected construction schedule.
- z. Other elements integral to the proposed development as considered necessary by the Planning Board.
- aa. General Landscaping plan.

2. Code Enforcement Officer Action on the Site Plan for a Special Permit

- a. The Code Enforcement Officer shall determine the completeness of any application made for the site plan review and shall notify the applicant within ten (10) days of the date of application submission if such application is incomplete or deficient in any way and shall specify the deficiencies.
- b. The Code Enforcement Officer shall certify on each site plan whether or not the plan meets the requirements of all zoning provisions other than those of this section regarding Site Plan Review.
- c. Upon determination that the application is complete, the Code Enforcement Officer shall transmit copies of the application to the Planning Board.

3. In some cases, the Planning Board may require the following:

- a. Provision for pedestrian access.
- b. Location of fire lanes and hydrants.
- c. Designation of the amount of building area proposed for retail sales or similar commercial activity.
- d. Other elements integral to the proposed development as considered necessary by the Planning Board.

4. Notice. Written notice of the Planning Board Site Plan Review shall be provided to all owners of land located within five hundred (500) feet of the real property covered by the Review. The Town Planning Board shall provide written notice of the meeting to review the site plan to all owners of land located within five hundred (500) feet of real property affected by such a site plan. In instances where a proposed project is within five hundred (500) feet of an adjacent township, the applicant shall also provide written notice to said township.

E. REVIEW BY PLANNING BOARD. The Planning Board's review of the site plan may include, as appropriate, the following:

1. General Considerations.

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- b. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- c. Location, arrangement, size and design and general site compatibility of buildings, lighting, and signs.
- d. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- e. Adequacy of storm water and drainage facilities.
- f. Adequacy of water supply and sewage disposal facilities.
- g. Adequacy, type and arrangement of trees, shrubs, and other landscaping, constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
- h. Protection of adjacent or neighboring properties against noise, glare, unsightliness, or noxious conditions.
- i. In cases of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- j. Adequacy of fire lanes and other emergency zones and the provision for fire hydrants, where feasible.
- k. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

2. Consultant review. The Planning Board may consult with the Town Code Enforcement Officer, Fire Department, Highway Department, County Planning Office, and other local county officials, in addition to representatives of federal and state agencies, including but not limited to, the Soil Conservation Service, the State Department of Transportation and the

Department of Environmental Conservation or other professional consultants as needed. Expenditures for professional consultations require the approval of the Town Board.

3. All decisions shall be made by at least a majority of the full membership of the Town Planning Board. In those cases of a referral recommended for approval or approval with conditions, disapproved or approved with conditions by the County Planning Board, a majority plus one shall be required to override the County Planning Board decisions.
4. The Town Planning Board may either approve the site plan, approve with conditions, or deny the site plan. The Board shall make a factual record of its proceedings regarding the site plan review. The record shall contain the reasons for its decision.

F. PUBLIC HEARING AND DECISION ON SITE PLANS. In the event a public hearing is required by ordinance or local law adopted by the Town Board or called for by vote of the Planning Board, the Planning Board shall conduct a public hearing within sixty-two days from the day an application is received on any matter referred to it under this section. The applicant is required to identify any agricultural operator within an Agricultural District and within five hundred (500) feet of a proposed project. In addition, The Town Planning Board shall provide written notice to all owners of land located within five hundred (500) feet of real property affected by such a site plan. In instances where a proposed project is within five hundred (500) feet of an adjacent town, the applicant shall also provide written notice to said town. The Planning Board shall mail notice of said hearing to the applicant at least ten (10) days before said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date thereof and shall make a decision on the application within sixty-two (62) days after such hearing, or after the day the application is received if no hearing has been held. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and such board. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

ARTICLE VIII-Subdivision Regulations

A. GENERAL STANDARDS

1. All standards set forth herein shall apply to all parcels of a major subdivision, regardless of whether said parcels have been sold, rented, or offered for sale or lease one by one or collectively.
2. All standards set forth herein shall apply to the extent that they are applicable as determined by the Planning Board and are required minimum standards. Only where exceptional conditions warrant, shall the Planning Board require such additional measures as are reasonable and appropriate under the circumstances, to accomplish the purposes of these Regulations. Such exceptional conditions shall be fully documented.
3. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other natural hazard and shall be in keeping with the objectives of the Town Plan, should one be developed.
4. Minor subdivision may be approved by the Code Official without Planning Board approval. Complex minor subdivisions at the Code Officials discretion may be reviewed by the Planning Board.

B. SPECIFIC STANDARDS

1. Block Design. The length, width and shape of blocks shall be determined with due regard to:
 - a. The type of development proposed.
 - b. The need for convenient access, circulation, control, and safety of vehicular traffic, with particular attention to limitation of the number and location of points of ingress and egress: and
 - c. Limitations and opportunities of topographic and other site characteristics.

Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed one-thousand five hundred (1,500) feet, nor be less than seven-hundred-fifty (750) feet. Block width should generally be two (2) lots deep.

Nonresidential blocks intended for commercial or industrial use shall be of a length and width that is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and service areas.

2. Lot Arrangement.
 - a. Each lot shall have access to a public roadway as is determined appropriate by the Planning Board based on the size, location, and nature of the subdivision. Each lot shall have the minimum required lot dimensions as set forth in the Town of Morristown's Land Use Law and Regulations.
 - b. Double frontage lots with access to two (2) roads shall not be

approved, except where no other arrangement is possible, and then only where the minimum lot depth is one hundred (100) feet.

- c. Driveway access and grades should generally conform to the terrain, but shall not exceed a fifteen (15) percent grade over any fifty (50) foot length, and shall not exceed three (3) percent within twenty-five (25) feet of the improved surface area of the roadway, as measured along the centerline of the driveway.

3. Easements.

- a. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of fifteen (15) feet shall be required. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- b. A pedestrian easement, not less than eight (8) feet wide, in addition to any road, shall be provided where required by the Planning Board to provide safe circulation, or access to schools, recreation areas, and other community facilities.
- c. Where a subdivision is traversed by a water course, drainageway, channel, or stream, a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course there shall be provided, as will such further width or construction, or both, as will be adequate for the purpose, as determined by the Planning Board.
- d. Where a subdivision is situated so as to involve a noteworthy scenic view or vista, either for the subdivision, along a travel corridor, or for established residences, a scenic easement of appropriate configuration may be required by the Planning Board.

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

- a. The arrangement, character, extent, width, grade, and location of all roadways shall conform to the Town Plan as such exists at the time and shall be considered in their relation to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such roadways. Road grades shall conform as closely as possible to the natural topography, and all roads shall be arranged so as to allow for a maximum number of the proposed number of building sites to be situated at or above the finished grade level of the roadway.

- b. The arrangement of roadways in a subdivision shall provide for the

- continuation, if appropriate, of residential roadways in the surrounding areas and for the composition of a convenient system for both the subdivision and connection to the existing highway system.
- c. Roadway layout shall consider the installation of utility distribution and service lines and shall be situated so as to best accommodate these installations in an acceptable manner.
 - d. Road layout shall minimize stream crossings, avoid traversing slopes in excess of twenty-five (25) percent, and avoid soils with a susceptibility to erosion or slope failure.
 - e. Local roadways shall be laid out so that their use by through traffic is discouraged.
 - f. The arrangement of roadways in any subdivision shall consider provision for continuation of collector or key local roads to adjoining property which has the potential to be similarly subdivided and to existing road systems.
 - g. Clearing and grading for road and utility installation shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
 - h. The construction of roads and the installation of utilities shall be planned sequentially, so that construction operations do not interfere with or destroy completed work.
 - i. Every roadway shown on a plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private road until such time as it has been formally offered for cession to the Town and formally accepted as a public road by resolution of the Town Board, or alternatively, until it has been condemned by the Town for use as a public roadway.
 - j. Roadway jogs with centerline offsets of less than one-hundred-fifty (150) feet shall not be permitted. Any subdivision road intersecting an existing arterial or collector road shall be no closer to another intersecting roadway than the stopping site distance as determined by the configuration of the roadway at that point and the legal speed limit.
 - k. All roadway intersections shall be rounded by curves with a minimum radius of twenty-five (25) feet as measured from the edge of the improved travel surface. Within the triangular area formed by connecting two (2) points fifty (50) feet from the intersecting road rights-of-way, visibility shall not be restricted by the natural landform nor by the location of any structure or planting.
 - l. The length of a tangent between reverse curves on arterial and

- collector roadways shall be a minimum of one-hundred-fifty (150) feet, and on local roadways a minimum of one hundred (100) feet.
- m. Roadways shall be laid out so as to intersect as nearly as possible at right angles. No roadway shall intersect any other roadway at less than seventy-five (75) degrees and all roadways shall join each other so that for a distance of at least one hundred (100) feet, the roadway is approximately at right angles to the roadway it joins.
 - n. Roadway vertical gradients should not be more than twelve (12) percent over anyone-hundred (100) foot distance and shall not exceed three (3) percent within fifty (50) feet of any intersection.
 - o. Dead-end roadways shall not be permitted, except as provided herein:
 - A. A closed turn-around or cul-de-sac may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a right-of-way diameter of at least one-hundred-fifty (150) feet.
 - B. No such dead-end roadway or segment thereof shall provide the sole means of access to more than twenty-five (25) dwelling units.
 - C. Reservation of an easement of appropriate width shall be provided for pedestrian or utility connection to adjoining property or the existing roadway system, where desirable.
 - p. Proper roadway drainage facilities shall be installed where required. Double wall corrugated polyethylene or corrugated metal pipe shall be used throughout for all culverts or subsurface drainage systems. Drainage shall be accommodated by one (1) or a combination of the following:
 - i. A roadside ditch a minimum of eighteen (18) inches below the finished centerline.
 - ii. A concrete or asphalt gutter; or
 - iii. A concrete or asphalt curb with storm sewer.
 - q. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five (5) year, twenty-four (24) hour rainfall. Drainage culverts shall be of adequate size and located so as to maintain pre-construction surface drainage patterns, provided such patterns were acceptable prior to construction.
 - r. Catch basins, manholes, seepage drains, reinforced concrete pipe,

- or other drainage appurtenances and all underdrains shall be installed or constructed in accordance with the direction and requirements of the Planning Board, shall vary in size as condition may require, and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such underdrains shall connect with piping or ditches leading to a live stream or natural drainageway as required by the Board.
- s. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from:
 - i. A ten (10) year, twenty-four (24) hour rainfall if the contributing drainage area is one (1) square mile or less.
 - ii. A twenty-five (25) year, twenty-four (24) hour rainfall if the contributing drainage area is between one (1) and four (4) square miles.
 - iii. A one hundred (100) year, twenty-four (24) hour rainfall if the contributing drainage area is more than four (4) square miles.
 - t. Fill slopes shall not be steeper than two (2) horizontal on one (1) vertical (2:1) and cut slopes shall not be steeper than four (4) horizontal on one (1) vertical (4:1).
 - u. Rights-of-way and pavement or improved surface area shall have the following widths:
 - i. Minimum Right-of-way: fifty (50) feet.
 - ii. Minimum Pavement or Improved Surface Area:
 - (a) eighteen (18) feet plus curbing or two (2), five (5) foot shoulders (populated area of 25 lots or more).
 - (b) 18 feet plus two (2), two (2) foot shoulders (rural area and less than 25 lots).
 - v. Where curbs exist on abutting properties, their extension by the subdivider may be required, at the discretion of the Planning Board, throughout all or a portion of the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate ditches or gutters shall be constructed and protected by seeding or appropriate surfacing by the subdivider.
 - w. Unless waived by the Town Planning Board, the subdivider shall install sidewalks not less than four feet wide:
 - i. On both sides of entrance and collector streets within the division of land.
 - ii. On both sides of loop, interior and cul-de-sac streets.
 - iii. Along one side of service roads adjacent to

- abutting lots.
- iv. Along roadways where no service road is provided and the lots in the division of land take direct access to a highway.
- v. Along roadways where necessary in order to provide for the safety and convenience of pedestrians.
- x. All topsoil, humus, tree stumps, and like organic material shall be removed from the roadbed, and the sub-base shall be approved by the Highway Superintendent before any gravel is placed upon it.
- y. Each road that is intended for cession to the Town shall be constructed in a manner specified by the Town Board.
- z. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions and as approved by the Planning Board. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of flow by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

5. Flooding, Drainage, and Runoff.

- a. Any subdivision involving lands designated as Flood Hazard Areas by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development and any other land subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard, shall be reviewed by the Board in accordance with published guidelines of development in flood hazard areas.
- b. Storm and surface drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision and not impact adjacent landowners or property.
- c. Drainage structure and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.
- d. The subdivider shall not allow holes, depressions, or other undrained areas to remain, except such wetlands as may be natural feature or necessary retention basins that shall be protected or situated at the direction of the Planning Board.
- e. The grading plan and the design of roadways in relation to storm

drainage shall be such that the runoff from roofs, driveways, and other impervious surfaces will be collected in the ditches and/or gutters along the roadway in short runs of generally less than 500 feet and will then be diverted from the roadway surface into storm sewers or a natural drainage course.

- f. The use of open water courses for drainage involves considerations related to safety, erosion control, stagnant water, protection of capacity, and appearance, which considerations will be recognized according to the following as well as NYS DEC guidelines:
 - i. Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks. Ditches shall, wherever feasible, be in the shape of a wide top "U" with a round or squared invert.
 - ii. Erosion Control. Adequate measures shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap, or such other measures as may be necessary to prevent scouring.
 - iii. Drainage. The subdivider shall guard against the creation or continuation of non-regulated wetlands (swampy areas or stagnant pools) in close proximity to any development.
 - iv. Capacity. The subdivider shall provide adequate measures for the protection of open drainage channels by establishing satisfactorily located drainage easements of sufficient width.
 - v. Appearance. As a natural water course can be an attractive visual asset to the subdivision as well as to the community, the subdivider shall, where possible, retain and improve the appearance of any natural water course used for surface or storm drainage as is practical. State and Federal permits may be required for work in, along, or around a watercourse.
- g. Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of one-half of one (0.5) percent.
- h. Manholes shall not be more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used, and not more than five hundred (500) feet apart where larger sizes are installed.
- i. Subdivisions shall be designed so that the length of flow for water

in a gutter or roadside ditch does not exceed five hundred (500) feet, except as permitted by the Board. Runs exceeding the maximum length shall be connected to storm sewers or diverted to a natural drainageway.

- j. Water in gutters and ditches shall not be allowed to flow over intersecting roadways but shall be placed in adequate culverts.
- k. Suitable headwalls, end walls, ditch seeding or sodding, and other procedures or devices to prevent erosion shall be used.

6. Utilities.

- a. Fire Hydrants. The installation, type, and location of all fire hydrants shall be as approved by the Planning Board and shall be in conformance with the standards of the New York Fire Insurance Rating Organization, the Division of Fire Safety of the State of New York.
- b. Location. Utilities shall be located in accordance with any applicable Public Service guidelines and as approved by the Planning Board. The Planning Board shall require, whenever physically possible and when the size, location, and present service permits, that utilities be placed underground and, in the road, right-of-way line between the travel service and right-of-way line or in a consistent location within individual property lines to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is surfaced.

7. Revegetation of Disturbed Soil Areas.

- a. Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise established with structural measures to minimize the potential for soil erosion as soon as practicable.
- b. Revegetation measures and efforts shall be evaluated by visual inspections by the Town Code Enforcement Officer, which shall include identification and measurement of the actual condition of new vegetation. Such evaluation shall be made not sooner than one-hundred-eighty (180) calendar days from the date of planting and not later than three-hundred-sixty (360) calendar days from the date of planting.
- c. Corrective action shall be instituted and completed within the time specified by the Code Enforcement Officer upon determination of unsatisfactory compliance with this Section. In making any determination required by this Section, the Code Enforcement Officer shall consider significant rills, gullies, loss of mulch or seed, or failure of seed germination as evidence of unsatisfactory

compliance.

- d. Construction operations requiring revegetation of an aggregate area larger than twenty thousand (20,000) square feet shall be done in stages. Each stage shall receive complete treatment for revegetation or mulching as if the stages were individual constructions.
- e. Upon completion of final grading of any area, revegetation operations shall begin within five (5) days and shall be completed within ten (10) days. In the event that more than five (5) days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five (5) days of disturbance and shall be completed within ten (10) days to minimize the potential for soil erosion.

8. Streetlights, Trees, Signs and Seedlings.

- a. Streetlights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Planning Board.
- b. Street trees are to be the responsibility of the subdivider. Retention and preservation of existing trees and location and type of new trees shall be approved by the Planning Board.
- c. The area between the drainageway and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- d. Street names signs shall be of the type and in the location determined by the Board and shall be provided by agreement between the Board and the applicant.

9. Public Sites and Open Space.

- a. Where a proposed park, playground, school, or other public use shown in the Town Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.

- b. In the instance of a subdivision involving the creation of twenty-five (25) lots or more, the Planning Board shall require that at least ten (10) percent of the land area of such subdivision be reserved and improved for open space recreation purposes. In the instance of a subdivision of twenty-four (24) lots or less, the Planning Board may require that the same actions be taken.
- c. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Planning Board may require, as a condition of approval of any such plat, other or further conditions as may be authorized by law. These include payment to the Town of an acceptable sum based on the size of the subdivision, the number of lots to be subdivided, and the value of the land in relationship to the ten (10) percent standard which might otherwise have been required for open space recreation purposes. This, in sum, shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

10. Monuments.

- a. The tract boundary lines, and the lines of all streets or roads, shall be indicated with monuments of concrete, stone, or iron with monument caps.
- b. Individual property boundaries shall have all corners marked with iron pins and pipe.
- c. The Planning Board may require that all such monuments be in place and capable of verification prior to the Planning Board Chairman recording his or her signature on the Subdivision Plat.

ARTICLE IX - Subdivision Review Procedures

A. APPLICATION REQUIREMENTS

1. Sketch Plan Conference. Prior to the filing of an application for approval of a preliminary plat, the subdivider or his authorized representative may request a Pre-Application Conference with the Code Enforcement Officer and/or Chairman of the Planning Board. The purpose of such a conference is to consult informally and at an early stage with the Board for the purpose of conserving time and exchanging information that will aid in assuring a desirable subdivision in the public interest.
2. Preliminary Plat. Whenever any subdivision of land is proposed, the subdivider or his designated agent shall file a preliminary plat with the Code Enforcement Officer, who shall immediately ensure that it contains the required information and forward it to the Planning Board for review and action.
 - a. The preliminary plat shall be titled "Preliminary Plat" and shall contain the following information:
 - i. The subdivision's name, scale, date, north arrow, and location within the Town.
 - ii. Topographic data on the tract and existing drainageways and water bodies.
 - iii. Tract boundaries, tract area, and street layout.
 - iv. Name and right-of-way width of each street or other right- of-way. Street names should not duplicate existing street names within the town.
 - v. Location of all utilities on or adjacent to the tract.
 - vi. Names of all property owners within five-hundred (500) feet of the boundaries of the tract to be subdivided.
 - vii. Location, dimensions, owners of record, and purpose of any easements.
 - viii. A number to identify each lot and a letter to identify each block.
 - ix. The location and purpose for which sites other than residential lots are dedicated or reserved.
 - x. Minimum front, side and rear yard setback lines on all lots and other sites.
 - xi. Summarized site data including number of residential lots, typical lot size, lineal feet of streets, area in parks, etc.
 - b. Three (3) copies of the preliminary plat and any supplementary material shall be submitted to the Code Enforcement Officer.

3. Final Plat. Upon receiving approval or conditional approval for a preliminary plat, a final plat shall be filed with the Code Enforcement Officer who shall within ten (10) days ensure that it contains the required information and forward it to the Planning Board for review and action. The subdivider shall submit the final plat within six (6) months after approval with or without modifications of a Preliminary Subdivision Plat or approval shall be null and void unless an extension of time is applied for and granted by the Board. The final plat shall conform substantially to the preliminary plat as conditionally approved and shall indicate any conditions or modifications that have been imposed by the Planning Board. Three (3) copies shall be submitted.
 - a. Information contained in the final plat shall consist of, at a minimum, the following items:
 - i. All information required by ARTICLE IX, A. Application Requirements, 2. Preliminary Plat above for a preliminary plat except the title shall be "Final Plat."
 - ii. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions and 911 addresses, bearing, radii, areas and central angles of all curbs, and the location and description of all monuments.
 - iii. Topographic data showing a contour interval of two (2) feet related to USGS or other permanent benchmark where natural contours are to be changed.
 - iv. Typical cross-sections of streets, including pavement, shoulders, ditches, walks, and cross-sections of drainage easements.
 - v. Profiles of street centerlines showing vertical curve data, slope of tangents, elevations of street intersections, and other critical points.
 - vi. Profiles of waste distribution lines, any storm and sanitary sewers showing pipe diameter and distance between individual lines, manholes, and catch basins.
 - vii. Preliminary drawings for buildings to be constructed, if any, including floor plans, exterior elevations, and sections.
 - viii. Landscaping, lighting, and all site improvements, including final grading plans where natural contours are changed beyond the road and building area.

- b. Accompanying data to be submitted with the final plat shall include:
 - i. Deed showing owner of the tract to be subdivided.
 - ii. Authorization of the owner to apply for final plat approval if the applicant is not the owner of the property in question.
 - iii. Documentation showing that the proposed subdivision has been approved by the New York State Department of Health and the New York State Department of Environmental Conservation if appropriate.
 - iv. A one-time application fee shall be required and shall be set by the Town Board of Morristown.
 - v. Offers of cession that have been approved as satisfactory by the Town Attorney dedicating streets, easements, open space, or other facilities. (Note: Approval of the final plat shall not constitute acceptance by the Town Board of dedication of such facilities without formal acceptance by the Town Board).
- c. The final plat shall be filed a minimum of ten (10) days prior to the regularly scheduled Planning Board meeting.
- d. The approval of a final plat showing lots, blocks or sites, with or without streets or highways, or the approval by the Planning Board of the development of a plat or plats already filed in the Office of the St. Lawrence County Clerk if such plats are entirely or partially undeveloped, or the certificate of the Town of Morristown as to the date of the submission of the final plat and the failure of the Planning Board to have taken action thereon within the time prescribed, shall expire within sixty (60) days from the date of such approval, or from the date such certificate is issued.

B. PLANNING BOARD REVIEW AND DECISION.

Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.

1. Preliminary Plat. Upon receipt of the preliminary plat application, the Planning Board shall refer it to the St. Lawrence County Planning Board if said plat is located within the five hundred (500) foot distance thresholds set forth in Section 239-n of New York State General Municipal Law. The Planning Board shall comply with ARTICLE X -Administration, F. NOTIFICATION of this Local Law.

2. Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

Upon receipt of a preliminary plat and accompanying information from the Code Enforcement Officer, the Planning Board shall hold a public hearing within sixty-two (62) days, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing.

Within sixty-two (62) days after the date of the preliminary plat hearing, the Planning Board shall approve, approve with modifications, or disapprove such preliminary plat in accordance with the Town Plan and other relevant planning documents produced by the Planning Board.

When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat, it shall be certified by the Clerk of the Town Board as preliminarily approved, a copy filed in his or her office, and a certified copy mailed to the subdivider.

Within six (6) months of the approval of the preliminary plat, the subdivider must submit the plat in final form or preliminary approval by the Planning Board is revoked. If the Planning Board fails to take action within the time constraints set forth in this subsection, such plat shall be deemed granted preliminary approval. The certificate of the Code Enforcement Officer as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

3. Final Plat. Within sixty-two (62) days of the submission of a plat in final form, (having satisfied the provisions of the State Environmental Quality Review act under Article Eight of the Environmental Conservation Law and its implementing regulations) for approval by the Planning Board, an advertisement for a public hearing shall appear at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

The Planning Board shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the Code Enforcement Officer if no such hearing is held, or in the event that such hearing is held, within sixty-two (62) days after the date of such hearing.

Notwithstanding the foregoing provisions of this subdivision, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board fails to take action on a final plat within the time prescribed, the plat shall be deemed approved and a certificate by the Code Enforcement Officer attesting to the date of the submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. This section shall be cited in the certificate. Upon resolution of conditional approval of such final plat the Planning Board Chairman or duly authorized officer shall sign the plat subject to completion of such requirement as may be stated in the resolution.

The Planning Board may require the posting of a bond or other form of security to ensure the satisfactory completion or required improvements in accordance with Section 277 of Town Law.

Within five (5) days of such resolution, the final plat shall be certified by the Code Enforcement Officer as conditionally approved, a copy filed in his office, and a certified copy mailed to the owner including a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the final plat shall be signed by the Planning Board Chairman or his or her duly authorized representative.

Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved final plat must be submitted for signature, if, in its opinion, such extension is warranted by the particular circumstances. Such extension may not exceed two (2) additional periods of ninety (90) days each.

Prior to granting conditional or final approval of a final plat, the Board may permit the plat to be subdivided into two (2) or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before such sections may be signed by the Planning Board Chairman or his or her duly authorized representative. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

Once a final plat is approved the owner shall file the plat in the office of the County Clerk (in a form and on a media acceptable to the County Clerk) within sixty-two (62) days from the date of final approval by the Planning Board or such approval shall expire.

ARTICLE X – Solar Energy Systems

A. PURPOSE AND INTENT

1. Solar Energy is a renewable and non-polluting energy resource that can prevent fuel emissions and reduce the Town of Morristown energy load. Energy generated from solar energy systems can be used to offset energy demand on the New York State power grid when excess solar power is generated.
2. This section aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

B. APPLICABILITY TO SOLAR ENERGY SYSTEMS

1. The requirements of this section shall apply to solar energy systems modified or installed after the effective date of this ordinance.
2. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this local law.
3. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes regulations and standard.
4. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises which they erected, but nothing in this provision shall be constructed to prohibit the sales of excess power through a “net billing” or “net -meeting” arrangement in accordance with New York Public Service Law or similar federal or state statute.
5. Utility-scale solar energy collectors, properly permitted by the Town of Morristown may be erected for the express purpose of generating electricity for a sale as a commercial enterprise.

C. PERMITTING SOLAR ENERGY SYSTEMS

1. No solar energy system, or device shall be installed or operated in the Town of Morristown except in compliance with this article.
2. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the Town Code.
3. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Morristown, subject to the following conditions:
 - a. Building permits shall be required for the installation of all rooftop and

- building mounted solar collectors.
 - b. The installation of rooftop and building mounted solar collectors shall be a standard use in all zoning districts, subject to building height restriction for the zoning districts.
 - c. The installation of rooftop and building mounted solar collectors shall be standard use provided that the panels do not extend horizontally past the roofline. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
4. Solar thermal systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
5. Ingress or egress in the event of fire or other emergency, for example, solar panels or collectors may not be installed in front of a window or door.
6. Utility-scale solar photovoltaic collectors shall conform to the seismic standards of the NYS Uniform Fire Prevention and Building Code.
7. Utility-scale solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit.
8. Ground-mounted and free standing solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to the following conditions:
- a. Building permits shall be required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collectors meets all applicable set-back requirements.
 - c. The height of the solar collector and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 - d. Solar energy collectors and equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of properties to the north, while still providing adequate solar access for collectors.

D. SAFETY

1. All solar collector installations shall be preformed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected and approved by a qualified third party electrical inspector as determined by the Code Enforcement Officer.
3. Any connection to the public utility grid must be inspected and approved by the appropriate public utility.
4. Rooftop and building mounted solar collectors shall meet the requirement of the New York's Uniform Fire Prevention and building Code.

5. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Morristown and any applicable federal, state, county or regional laws and regulations.

6. If a solar collector ceases to perform in originally intended to function for more than twelve (12) consecutive months, the property owner shall remove the collector, mounts and associated equipment and return the site or building to its original condition no later than ninety (90) days after the end of the twelve (12) month period.

E. DECOMMISSIONING PLAN FOR UTILITY SCALE PHOTOVOLTAIC SYSTEMS

Any applicant proposing a utility-scale photovoltaic system shall submit a decommissioning plan, which shall include:

1. The anticipated life of the utility-scale photovoltaic system.
2. The estimated decommissioning costs in current dollars;
3. How said estimated was determined;
4. The method of ensuring that funds will be available for decommission and restoration;
5. The method, such as by annual re-estimated by a license engineer, that the decommissioning cost will be kept current; and
6. The manner in which the utility-scale photovoltaic system will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

F. DECOMMISSIONING PROCESS REQUIREMENTS

Operators of a permitted utility scale photovoltaic systems shall follow the rules for maintaining the Decommissioning Fund Bond and for the following the Decommissioning Plan Procedures and timeline.

1. The facility owner or operator shall post and maintain Decommissioning Fund Bond in an amount equal to Net Decommissioning Cost; provided, that at no point shall Decommissioning Fund Bond be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and continuously and uninterrupted maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within NYS and is approved by the Town of Morristown. Should the decommissioning bond

lapse, the Utility Scale Photovoltaic Facility permit will be suspended and the facility not permitted to operate until the bond is reinstated.

2. If the Facility Owner or Operator fails to complete decommissioning within twelve (12) months, the landowner shall have six (6) months to complete decommissioning.

3. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed, then the Town of Morristown may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Town of Morristown shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Town of Morristown may take such action as necessary to implement the decommissioning plan.

4. The escrow agent shall release the Decommissioning funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

5. The manner in which the Utility Scale Photovoltaic Facility will be decommissioned and the Site restored shall include reclamation of all road, removal of structures and debris to a depth of disturbance or minimum of 4 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner in writing and shall include removal of all solar arrays, buildings, cable, electrical components and any other associated facilities as directed by the Town of Morristown.

6. Decommissioning Bond the applicant, or successor, shall continuously maintain a bond payable to the Town for the removal of non-functioning solar arrays and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. The decommission cost shall be reviewed at minimum once every two years. All costs of the financial security shall be borne by the applicant. All decommissioning funding requirements shall be met prior to commencement of construction. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Cost; provided, that at no point shall Decommissioning Funds be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company is authorized to conduct such business within NYS and is approved by the Town of Morristown

ARTICLE XI - Administration

A. CODE ENFORCEMENT OFFICER.

1. Creation. The Town Board has previously established the Office of Code Enforcement Officer in the Town of Morristown. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in this capacity.
2. Duties and Powers. The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws. The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.

B. PLANNING BOARD.

1. Creation. The Town of Morristown Planning Board, pursuant to Section 271 of New York State Town Law, shall consist of five (5) members, each of whom shall reside in the Town of Morristown. Appointments shall be made by the Town Board. The Town Board shall designate the Chairman of the Planning Board. At least one (1) member shall be a person engaged in agricultural pursuits as defined in Town Law #271, Subsection 2. The first appointments of members thereto shall be for terms so fixed that at least one (1) will expire at the end of each calendar year commencing at the end of the current such year and continuing in the succeeding four (4) years until the entire original membership have completed their terms. Thereafter, the terms for members of the Planning Board shall be five (5) years.
2. Voting Requirements. The concurring vote of a majority of the full membership of the Planning Board shall be required to constitute an official action by the Planning Board.
3. Duties and Powers. The Planning Board shall have the following duties:
 - a. Develop its official procedures and maintain records of its actions.
 - b. Review and comment on all proposed amendments to the Land Use Law and Regulations for the Town of Morristown.

- c. Review subdivision plats and approve, approve with conditions, or disapprove them.
 - d. Review special permits where applicable and approve, approve with conditions, or disapprove them.
 - e. Review site plans and approve, approve with conditions, or disapprove them.
 - f. Render assistance to the Zoning Board of Appeals on its request.
 - g. Conduct studies, planning or surveys as needed to further the purposes of this Local Law.
 - h. Research and report on any matter referred to it by the Town Board.
 - i. In order to conduct official business three members of the Planning Board must be present to constitute a quorum.
4. Compensation. Compensation of Planning Board members for expenses associated with their duties may be fixed, from time to time, by resolution of the Morristown Town Board.
5. Conflict of Interest and Absences. The Town Board shall have the authority to establish alternate Planning Board member positions for purposes of substituting for a member in the event such a member is unable to participate because of a conflict of interest or in the case of planned absences by members of the Planning Board. This section supersedes NYS Law 271 as it pertains to the use of alternates at the call of the Chair of the Planning Board. Alternate members of the Planning Board shall be appointed by resolution of the Town Board for terms established by them.
- The Chair of the Planning Board may designate an alternate member to substitute for a member when such a member is unable to participate because of a conflict of interest on an application or matter before the board or because of an absence. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
6. Removal. A Planning Board member may have his or her appointment terminated for cause by a resolution of the Morristown Town Board after a public hearing. No member of the Planning Board shall hold simultaneous membership on the Zoning Board of Appeals.

C. ZONING BOARD OF APPEALS.

1. Creation. The Town Board authorizes the appointment of a five-member Zoning Board of Appeals as more fully described in NYS Town Law 267. The Town Board shall designate the Chairman of the Zoning Board of Appeals. The first appointments of members thereto shall be for terms so fixed that at least one (1) will expire at the end of each calendar year

commencing at the end of the current such year and continuing in the succeeding four (4) years until the entire original membership have completed their terms. Thereafter, the terms for members of the Zoning Board of Appeals shall be five (5) years. The Zoning Board of Appeals shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties under these regulations. In particular the board shall conduct itself according to the following:

- a. Meetings. All meetings of the Zoning Board of Appeals shall be at the call of the chairman and at such other times as a majority of the members of the full board may determine. All meetings of the Zoning Board of Appeals shall be open to the public.
 - b. Records. The Zoning Board of Appeals shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the vote of each member on every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Zoning Board of Appeals shall be recorded in the minutes, which shall fully set forth the reasons on which the decision was based. An appropriate record of every official determination of the Zoning Board of Appeals shall be on file in the office of the town clerk.
 - c. Voting Requirements. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be required to constitute an official action by the Zoning Board of Appeals.
 - d. Eligible Applicant or Appellant. An application or appeal to the Zoning Board of Appeals may be initiated by any person or party aggrieved under, or with a legitimate interest in these regulations including the town and its officials. An appeal for an interpretation or variance may be made only after a determination or notification of action taken by the Code Enforcement Officer or other body of original jurisdiction, except where such appeal is instituted by an official of the Town.
 - e. Quorum. In order to conduct official business, three members of the ZBA must be present to constitute a quorum.
2. Duties and Powers. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by these regulations. In particular, the powers the Zoning Board of appeals are as follows:

- a. Interpretation. To decide any question involving the interpretation of any provision of these regulations, including exact location of any zoning district boundary or any other determination made in the administration or application of the regulations. Such interpretation shall be considered and rendered by the Zoning Board of Appeals only upon application or appeal following a determination made by the Code Enforcement Officer.

- b. Variance. The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of these regulations where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to health, safety and welfare of the neighborhood or community. Such variance shall be considered and rendered by the Zoning Board of Appeals only upon appeal following a determination made by the Code Enforcement Officer.
 - i. Area Variance. In making such determination the board shall consider:
 - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the 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 effect 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 discussion of the Zoning Board of Appeals but shall not necessarily preclude the granting of an area variance.

 - ii. Use Variance. No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for

the particular district where the property is located:

- a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- b) that the alleged hardship relating to the property in question is unique and does not apply to a 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 Zoning Board of Appeals, in the granting of 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.

3. Compensation. Compensation of Zoning Board of Appeals members for expenses associated with their duties may be fixed, from time to time, by resolution of the Morristown Town Board.
4. Conflict of interest. The Town Board shall have the authority to establish alternate Zoning Board of Appeals member positions for purposes of substituting for a member in the event such a member is unable to participate because of a conflict of interest. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for the terms they established.

The Chair of the Zoning Board of Appeals may designate an alternate member to substitute for a member when such a member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Zoning Board meeting at which the substitution is made.

5. Removal. A Zoning Board of Appeals member may have his or her appointment terminated for cause by a resolution of the Morristown Town Board after a public hearing. No member of the Zoning Board of Appeals shall hold simultaneous membership on the Planning Board.
6. Procedure. The Zoning Board of Appeals shall act in strict accordance with the procedures specified by law and by these Regulations and shall be in accord with the following:

- a. Application. All appeals and applications made to the Zoning Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Law and Regulations involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. Such appeal shall be taken within sixty (60) days of the date of notification of the determination that is being appealed. The Code Enforcement Officer shall transmit to the Board all of the records concerning the case which is being appealed.
- b. Referrals. Where any appeal for variance involves lands within the 500-foot thresholds of Section 239-m of New York State General Municipal Law it shall be referred to the St. Lawrence County Planning Board and acted upon in accord with ARTICLE II, Section C. 2 of this Local Law.
- c. Notification and Public Hearing. The Zoning Board of Appeals shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof, by publication in an official paper of a notice of such public hearing at least five (5) days prior to that date; and shall, at least five (5) days before such public hearing, mail notice thereof to the applicant or appellant and to the adjacent landowners.
- d. Decision and Notification. Within sixty-two (62) days from the date of any public hearing, the Board shall render a determination on any appeal and notify the applicant in writing within five (5) working days of the date of determination. Every decision of the Zoning Board of Appeals shall be by resolution. The Zoning Board of Appeals shall notify the Code Enforcement Officer, Town Clerk, and Planning Board of the action taken on any application before the Zoning Board of Appeals with respect to an interpretation or variance.

D. AMENDMENTS.

1. The Town Board may on its own motion, on a petition, or on recommendation of the Planning Board, amend these Laws and Regulations pursuant to the applicable requirements of law. In the event that the proposed amendments change the district classification of real property within the thresholds set forth in Section 239-m of New York State General Municipal Law, the Town Board must refer such amendments to the St. Lawrence County Planning Board pursuant to

Article II, Section C. 2 of this Local Law.

2. All proposed amendments shall be referred to the Planning Board for a report and a recommendation. The Planning board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute their recommendation for approval of the proposed amendment.
3. Before any amendment, there shall be a public notice and hearing thereon as provided by law. Notice of the hearing shall be published in a paper of general circulation at least five (5) days prior to the hearing.
4. After the public hearing, a majority vote of the members of the Town Board shall be required to amend these Laws and Regulations.

E. **JUDICIAL/COURT REVIEW.** Any person or persons, jointly or separately aggrieved by any decision of the Planning Board, Zoning Board of Appeals, Town Board, or any official instrument of the Town in the administration of this Local Law, may apply to have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, provided the proceedings are commenced within 30 days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Town unless it appears to the Court that the Town or its representative acted with gross negligence, in bad faith, or with malice in making the appealed decision.

F. **NOTIFICATION.** An application for a subdivision, site plan, planned development district, or special permit triggers the following requirements: The applicant is required to notify any agricultural operator within an Agricultural District and within five hundred (500) feet of a proposed project. In addition, The Town Planning Board shall provide written notice to all owners of land located within five hundred (500) feet of real property affected by such a site plan. In instances where a proposed project is within five hundred (500) feet of an adjacent town, the applicant shall also provide written notice to said town.

G. **PUBLIC HEARINGS.** Any public hearing held under the provision of this Local Law shall be advertised by a notice of public hearing, to be published once in the official newspaper of the Town at least five (5) days prior to the date of the hearing. Any hearing may be recessed by the Planning Board or the Zoning Board of Appeals in order to obtain additional information or to serve further notice upon property owners or other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

H. **REPEALER.** The following law shall be repealed upon the filing of this Local Law with the New York Secretary of State: Local Law No. 1 of the Year 2001, "A LOCAL LAW REGULATING THE MINIMUM SIZE OF LOTS AND THE

NUMBER OF RESIDENTIAL DWELLINGS PER LOT CREATED BY
SUBDIVISION AND REGULATING THE INSTALLATION OF SANITARY
SEWAGE DISPOSAL SYSTEMS".

I. **EFFECTIVE DATE.** This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Morristown.

J. **ENFORCEMENT.**

1. Enforcement Officer. These laws shall be enforced by a person appointed by the Town Council, who shall not issue a building and/or occupancy permit for any structure or use not in compliance with the provisions of this law or issue any building permit or certification of occupancy for any building or land use which is not in conformance with the provisions of these laws.
2. Building Permits. No building or structure in any district shall be started or extended without a building permit issued by the Code Enforcement Officer.
 - a. No modifications to any existing building or structure shall be made which will infringe on the requirements of the District Regulations Schedule pertaining to maximum height of the principal building or setback or that would increase infringement of buildings and structures already nonconforming in this regard until a permit has been issued by the Code Enforcement Officer after an area variance approval by the Zoning Board of Appeals.
 - b. Every application for a building permit shall state in writing the intended use of the building and shall be accompanied by sketch drawing showing the plot shape and dimensions and indicating the size, shape, and location of the proposed building.
 - c. No building permit or certification of occupancy issued under the terms and these laws shall become or remain valid unless the holder thereof complies with the applicable rules and regulations of the New York State Health Department and the Building Code of New York State if jurisdiction.
3. Fees.
4. Expiration. Unless there had been substantial progress in the work for which a building permit was issued, said permit shall expire twelve (12) months from the date of business.
5. Certificate of Occupancy. Each property owner shall be responsible for compliance with all terms of these Laws affecting his property. Upon application and with an

approved inspection by the Code Enforcement Officer such property owner shall be entitled to a Certificate of Occupancy certifying the proposed occupancy complies with these Laws and that the building(s) has been constructed and the site developed is in accordance with submitted plans. No building shall be occupied, and or used until said Certificate of Occupancy has been issued. The Code Enforcement Officer shall act on any application for a Certificate of Occupancy within five (5) working days from the date of said application. If occupancy or use is required prior to completion of all plans details the Planning Board, upon request, may authorize the Code Enforcement Officer to issue a temporary Certificate of Occupancy. A bond or letter of credit of sufficient amount to complete all unfinished improvements may be required by the Planning Board before a temporary Certificate of Occupancy is authorized.

6. Notice of violation. Whenever, in the opinion of the Code Enforcement Officer after proper examination and inspection, there appears to exist a violation of any provision of these Laws, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve written note of violation. Such notice of violation shall inform the recipient of:
 - a. The nature and details of such violation.
 - b. Recommended remedial action which if taken will affect compliance with the provisions of these Laws and with rules and regulations adopted pursuant thereto.
 - c. The date of compliance by which the violation must be remedied or removed.
7. Extension. The Code Enforcement Officer may extend the date of compliance specified in a notice of violation, upon written application, if in his opinion here is reasonable evidence of intent to comply and that reasonable conditions exist which prevent compliance by the specified date.

K. COMPLAINT AND VIOLATION PROCEDURES.

1. Citizen Complaint. Any person may file with the Code Enforcement Officer a written signed complaint against any alleged violation of these regulations.
2. Investigation. As directed by the Town Council or by the receipt of a signed, written citizen complaint, the Code Enforcement Officer will make an investigation into the allegations. Depending on the findings the Code Enforcement Officer may issue a correction notice or a stop to work order to the responsible party as appropriate. The Code Enforcement Officer may at any time upon his discovery of a violation of these regulations issue a corrective notice without a complaint.
3. Persons Liable. The owner, tenant, or occupant of any building or land or part thereof and any architect, building, contractor agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and

suffer the penalties and be subject to the remedies provided.

4. Procedures Upon Discovery of Violations.

- a. Written Notice. If the Code Enforcement Officer finds that any provisions of the zoning regulations are being violated a written notice by shall be sent by the Code Enforcement Officer to the person or persons in violation indicating the nature of the violation and ordering action necessary to correct the violation(s).
- b. A final written notice shall be issued (the initial written notice may be the final notice) stating what action the Town representative intends to take if the violation is not corrected and shall advise that the Code Enforcement Officer's decision that a violation exists may be appealed to the Zoning Board of Appeals, if applicable.
- c. In cases where delay would seriously threaten the effective enforcement of the zoning regulations or pose a danger to the public health, safety or welfare of the general public the Town may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in these regulations.

L. **PENALTIES AND REMEDIES.**

1. The Code Enforcement officer is hereby authorized pursuant to Criminal Procedure Law 150.20(3) to issue an appearance ticket to any person whom the enforcement officer has reason to believe has violated this law and shall cause such person to appear before the municipal justice.
2. Civil Penalties: In addition to those penalties proscribed by State law, any person who violates any provision of this local law, the Uniform Code, the Energy Code, or any term or condition of any Building Permit, Certificate of Occupancy/ Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not less than \$100 and not more than \$350 for each day from the issuance of the order or notice to the date of resolution or part thereof during which such violation continues, and/or up to fifteen (15) days in jail. Repeat offenders shall be liable to a civil penalty of not less than \$350 and not more than \$500 for each day from the issuance of the order or notice to the date of resolution or part thereof during which such subsequent violations continue, and/or up to fifteen (15) days in jail. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town, including but not limited to a tax levy against said property in violation.
3. The municipal board may also maintain an action or proceeding in the name of the municipality in a court of competent jurisdiction to compel compliance with

or restrain by injunction the violation of any provision of this law.

4. Unless a violation creates imminent danger to human life, safety, or welfare, the person cited shall have thirty (30) days to comply with the citation before being in violation. Any violation which the Code Enforcement Officer cites as creating an imminent danger to human life, safety, or welfare must be resolved immediately on notice and is immediately in violation of this law. The time table for compliance shall be established by the code official when deemed necessary.
5. Stop-work orders, penalties for offenses.
 - a. Stop-work orders. A stop-work order may be issued by the Code Enforcement Officer to preclude the continued and further violation of this chapter or to protect the public's health or safety. Such stop-work order shall stay all activity in conjunction with any violation of this law. Any stop-work order will stipulate that within thirty (30) days a permit or certificate shall be obtained noting compliance with this chapter. If such permit or certificate is not obtained by the responsible party or the work continues in violation of the stop-work order, action by the Town will be initiated to compel compliance, using such penalties or remedies as hereafter provided for.
 - b. Misdemeanors. Violations of this law or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the granting of variances, site plan approvals or establishment of planned development districts, shall constitute a misdemeanor, punishable by a fine and/or imprisonment as established in L. PENALTIES AND REMEDIES., Section 2. above.
6. Permit Revocation. The zoning/building permit or special use permit (including site plan approval) may be revoked by the Code Enforcement Officer if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of the zoning regulations or any additional requirements lawfully impose by the permit authorizing board. Before the permit may be revoked, notice and hearing requirements for hearing of the Zoning Board of Appeals shall ne complied with. A notice shall be sent to inform the permit recipient of the alleged grounds for revocation.

The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall be upon that party. A motion by the Code Enforcement Officer shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

Before a permit may be revoked, the permit recipient shall be given ten (10) day notice of intent to revoke the permit and shall inform the recipient of the alleged

reason for the revocation and his or her right to obtain an informal hearing of the allegations, If the permit is revoked, a written statement of the decision, along with the reasons for the action, shall be provided to the permittee in writing.

The Town Council may take any necessary action to alleviate any health or safety concern at the cost of the property owner.

No person may continue to make use of land or buildings in the manner authorized by any zoning/building permit after such permit has been revoked in accordance with this section.

7. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 5 Stop Work Orders of this Local Law, in any other section of this Local Law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Section 5 Stop Work Orders of this local law, in any other section of this Local Law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 381 of the Executive Law.