

L. 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, C. 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, D of this local law.

M. 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.

N. 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 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.

O. 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.

P. 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.

Q. 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, C. 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, D of this local law.

R. 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 ten (10) 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, C. 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, D 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.

S. TELECOMMUNICATION TOWERS. Not allowed in Residential (R-1) 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 ice-fall 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.

T. TOURIST COTTAGES. Colonies of two or more cottages or one cottage and 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, 1. General Considerations. The Planning Board may attach conditions to its approval as it sees fit.

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.

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. A United States Geographic Survey (USGS) map or equivalent of the area shall be provided.
 - f. Proposed grading and drainage and storm water management system, if any.
 - g. Location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
 - h. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site.
 - i. Location of outdoor storage, if any.

- j. Description of the method of sewage disposal and location of the facilities.
 - k. Identification of water source; if a well, locate it.
 - l. Location and size of all proposed signs.
 - m. Location and proposed development of all buffer areas including landscaping materials, if any.
 - n. Location and design of outdoor lighting facilities.
 - o. Location of essential services.
 - p. General Landscaping plan.
2. 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.
 3. 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. The applicant shall supply the Town Planning Board with two sets of address labels of all property owners within five hundred (500) feet of real property affected by the site plan. The applicant must supply the Planning Board with notification letters post paid at least ten (10) days before the Planning Board's site plan review.

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 condition.
 - 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 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. The applicant shall supply the Town Planning Board with two sets of address labels of all property owners within five-hundred (500) feet of real property affected by the site plan. The applicant must supply the Planning Board with notification letters post paid at least ten (10) days before the public hearing. 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 subdivision, including the first four (4) parcels, 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.

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 any one-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:
 - i. 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.
 - ii. No such dead-end roadway or segment thereof shall provide the sole means of access to more than twenty-five (25) dwelling units.
 - iii. 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. Catchbasins, 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 road bed, 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 land owners 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 features 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, endwalls, 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. Street Lights, Trees, Signs and Seedlings
- a. Street lights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the 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 or 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 bench mark 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:
 - ix. Deed showing owner of the tract to be subdivided.
 - x. Authorization of the owner to apply for final plat approval if the applicant is not the owner of the property in question.
 - xi. 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.
 - xii. A one-time application fee shall be required and shall be set by the Town Board of Morristown.
 - xiii. 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.
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 sub-divider.

Within six (6) months of the approval of the preliminary plat, the sub-divider 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.

2. 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 insure 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 construed to prohibit the sale of excess power through a “net billing” or “net -metering” 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 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 district.

c. The installation of rooftop and building mounted solar collectors shall be a 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 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 collector 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 the collectors.

D. SAFETY

1. All solar collector installations shall be performed 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 requirements 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 or regulations.
6. If a solar collector ceases to perform its 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 estimate was determined;

4. The method of ensuring that funds will be available for decommission and restoration;
5. The method, such as by annual re-estimate by a licensed 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 and fencing or residual minor improvements requested by the landowner.

F. DECOMMISSIONING PROCESS REQUIREMENTS

Operators of a permitted utility scale photovoltaic system shall follow the rules for maintaining the Decommissioning Fund Bond and for 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 Costs; 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 uninterruptedly 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 roads, 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, cabling, electrical components and any other associated facilities as directed by the Town of Morristown.
6. **Decommissioning Bond** The applicant, or successors, shall continuously maintain a bond payable to the Town for the removal of non-functional 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 costs 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 Costs; 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 institution 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 land owners.
 - 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. The applicant shall supply the Town Planning Board with two sets of address labels of all property owners within five-hundred (500) feet of real property affected by the site plan. The applicant must supply the Planning Board with notification letters post paid at least ten (10) days before the public hearing.

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. 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.

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 J. PENALTIES AND REMEDIES., Section 2. above.
6. 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.