

Compilation of Revisions and Amendments
to Town of Mayfield Zoning Law Originally
Adopted 2005

Mayfield

2017-Compilation- Zoning Regulations

Town of Mayfield Zoning Commission

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ARTICLE I: GENERAL PROVISIONS

Section 101: Authority

Pursuant to the authority conferred by Article 16 of the Town Law and Article 2 of the Municipal Home Rule Law, be it enacted by the Town Board of the Town of Mayfield as follows:

Section 102: Short Title

This local law shall be known as the “Zoning Law of the Town of Mayfield, New York”.

Section 103: Purpose

A. The purpose of this local law, its requirements and its districts is to:

1. Protect and promote the public health, safety and general welfare of the Town for the benefit of its citizens.
2. Guide the future growth and development of the community in accordance with the Town's Comprehensive Plan.
3. Protect the character and the social and economic stability of all parts of the Town and to facilitate the orderly and beneficial development of all parts of the Town.
4. Prevent the pollution of air, surface and ground water; to assure the adequacy of drainage facilities; and to encourage the wise use and sound management of the Town's natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

Section 104: Validity and Separability

Should any clause, sentence, subdivision, paragraph, section or part of this local law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole, only the clause, sentence, subdivision, paragraph, section or part so decided to be unconstitutional or invalid.

Section 105: Conflicting Provisions

The provisions of this local law shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. When this local law imposes a greater restriction on the use of buildings or land or the height of buildings or requires larger open spaces or makes any other greater requirement than is imposed or required by any other law, rule or regulation or by easements, covenants or agreements, this local law shall apply.

Section 106: Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

ARTICLE II: TERMINOLOGY

Section 201: Word Usage

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot" or "parcel." The word "person" includes a corporation, firm, company, association, or any other agency or organization, as well as an individual. The word "building" includes the word "structure." The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "built, arranged or designed to be used or occupied." The word "shall" is mandatory and the word "may" is permissive.

Section 202: Definitions

A. For the purposes of this local law, certain terms or words used herein shall be interpreted as follows:

1. ACCESSORY BUILDING - A building the use of which is incidental to that of the primary occupancy, not attached to another building and located on the same lot.
2. ACCESSORY APARTMENT – Not more than one attached or detached dwelling unit less than 600 square feet in total living space located on the same lot as one single family, owner occupied, dwelling.
3. ADULT ENTERTAINMENT- Any use that meets any of the criteria set forth in section 501-c of this document.
4. AGRICULTURE - Any management of any land as a business for the agricultural raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of buildings, fences, agricultural roads, agricultural drainage systems and farm ponds.
5. AGRICULTURE NON- LIVESTOCK - Any management of land as a business for the agricultural raising of horticulture, trees or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of buildings, fences, agricultural roads, agricultural drainage systems and farm ponds.
6. AGRICULTURAL LAND - Land used for the production or raising of crops, animals or animal products, the selling of such products grown on premises and any other commonly accepted agricultural operations, except animals or crops raised for personal consumption or recreational purposes and Hobby Farms. The term agricultural land also includes lands which are managed for commercial timber purposes.
7. ALTERATION - Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.
8. ANIMAL SHELTER/KENNEL- A structure used for the safekeeping, breeding, boarding or training of more than four (4) dogs, cats six (6) months and older for which a fee is charged.

9. APPLICATION - Application shall mean the formal request by an applicant or developer, as those terms are defined hereinafter, for any permit or approval by the Town Board, Planning Board, Zoning Board of Appeals (or Code Enforcement Officer) for the items set forth hereinafter along with the preparation of any and all plans and submittals submitted in connection therewith including, but not limited to, any required review under the New York State Environmental Quality Review Act.
10. ARTIST STUDIO- A working place, that does not qualify as a Home Occupation, with one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, of persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists.
11. APPLICANT - Any person that applies for a permit or approval for any of the following:
 - a. Acceptance by the Town Board for the dedication of sidewalks, highways, public right of ways, drainage facilities parks or utilities;
 - b. Planning Board approval of site plans, special use permits, special permits, or subdivisions or other approvals;
 - c. Zoning Board of Appeals approval of variance;
 - d. Rezoning of real property in the Town by the Town Board; or
 - e. Certificate of Occupancy from the Code Enforcement Officer in connection with a development within the Town.
12. BASEMENT - That portion of a building that is partly or completely below grade (see “Story Above Grade”).
13. BASEMENT WALL - The opaque portion of a wall that encloses one side of a basement and has an average below grade wall area that is 50 percent or more of the total opaque and non - opaque area of that enclosing side.
14. BED & BREAKFAST - Owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, and containing at least two but not more than five bedrooms for such lodgers.
15. BROADCAST FACILITY RADIO AND TV - a station equipped to broadcast radio or television programs
16. BOARD OF APPEALS - The Zoning Board of Appeals of the Town of Mayfield.
17. BUILDING - Any structure or portion thereof used or intended for supporting or sheltering any use or occupancy.
18. BUFFER ZONE – As noted on the Zoning Map in this document an area adjacent to residential properties in which no buildings or uses of a commercial or business nature shall be built or conducted.
19. BUILDING LINE - The line established by law, beyond which a building shall not extend, except as specifically provided by law.

20. **CARWASH** - A structure, lot, or portions thereof where vehicles are washed either by the patron or others using machinery and mechanical devices specifically designed for washing motor vehicles
21. **CLUSTER HOUSING** - A subdivision plan that would allow for higher density housing on smaller parcels of land while the additional land that would have been allocated to individual lots is converted to common shared open space.
22. **CODE ENFORCEMENT OFFICER** - The officer or other designated authority charged with the administration an enforcement of this local law, or a duly authorized representative.
23. **COMMUNITY CENTER**-A place where people from a particular community can meet for social, educational, or recreational activities.
24. **CEMETERY**- A place used for the interment of the dead.
25. **CULTURAL FACILITY/MUSEUM** - A structure serving as a repository and display for a collection of natural, scientific, cultural or literary curiosities, objects of interest or works of art, and arranged for public observation and appreciation, with or without an admission charge, together with customary accessory uses including, for example, retail sale of goods to the public; café food service; art, dance and music performances; literary readings and showing of videos.
26. **DAYCARE- CHILD FACILITY** - A program or facility caring for children for during the day in which care is provided by a child day care provider for more than ten (10) children.
27. **DAYCARE-ADULT FACILITY** - A program or facility caring for adults during the day in which care is provided by certified care providers.
28. **DECK** - An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
29. **DEVELOPER** - Any person, firm, partnership, association, corporation, company, limited liability or entity or organization of any kin, whether or not an applicant as defined hereinabove, that constructs or purposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development and do convey or dedicate same to the Town.
30. **DEVELOPMENT** - Shall mean and include, a subdivision, site plan, special use permit, special permit or variance for which approval is required under this local law and any construction of buildings, structures, drainage facilities, highways, parks or utilities to be undertaken in connection with any of the foregoing.
31. **DRIVEWAY** - An area leading from a public highway to the interior of a lot and designed for automobile access.
32. **DWELLING** - Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

33. DWELLING, MULTIPLE FAMILY - A building or portion thereof designed for year- round occupancy and containing separate dwelling units for three or more families living independently of each other, including apartment houses, town houses
34. DWELLING, SINGLE FAMILY - A detached building designed for year-round occupancy by one family, including, but not limited to “stick built”, sectional/modular, or manufactured homes
35. DWELLING, TWO FAMILY - A detached building designed for year-round occupancy by two families living independently of each other.
36. DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
37. ENCORCEMENT OFFICER - The building code enforcement officer, zoning enforcement officer, constable or any person appointed by the Town Board of the Town of Mayfield to enforce the provisions of this local law.
38. FAMILY - One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, lodging house, club, fraternity or hotel.
39. FENCING - A barrier intended to prevent escape or intrusion or mark a boundary. Such a barrier may be made of posts, boards, metal or wire. Fencing may not always qualify as screening.
40. GRADE - The finished ground level adjoining the building at all exterior walls.
41. GRADE PLANE - A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.
42. GUEST COTTAGE - Not more than one residential structure which is associated with a single-family dwelling and which:
 - a. Is used only on an occasional basis;
 - b. Is used only by guests of the resident(s) of the single-family dwelling;
 - c. Is not for rent or hire;
 - d. Contains less than 600 square feet;
 - e. Otherwise meets the definition of accessory structure;
43. HEIGHT, BUILDING - The vertical distance from grade plane to the height of the highest point of the roof surface not including chimneys, vent pipes and other such structures.
44. HEIGHT, STORY - The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
45. HIGHWAY - A street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway,

driveway, overpass and underpass, or other form of public right-of-way, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a development.

46. HOBBY FARM WITHOUT LIVESTOCK- A use accessory to a principal dwelling in which any land or building is managed for agricultural raising of horticulture, trees, or orchards for the primary purpose of consumption and enjoyment by the property occupants.

47. HOBBY FARM WITH LIVESTOCK-A use accessory to a principal dwelling in which any land or building is managed for the agricultural raising of horticulture, trees, orchards or livestock in compliance with section 506 of this document, for the primary purpose of consumption and enjoyment by the property owners and occupants.

48. HOME OCCUPATION - Any limited personal service, professional service or business use lawfully conducted within a dwelling or customary accessory building and carried on by the resident thereof, which use is clearly accessory, incidental and secondary to the use of the premises for residential purposes and does not alter the residential character thereof.

Level I - An occupation or profession carried on within a dwelling unit or an accessory structure that meets the dwelling unit setbacks, and which is clearly incidental to the use of the dwelling unit for residential purposes, does not change the character thereof, and conforms to the home occupation standards in this document.

Level II - a home occupation Level II is the same as a home occupation Level I but allows an increased intensity of the use as described in the home occupation standards in this document.

48. HOTEL OR MOTEL - A building or group of buildings where transient guests are lodged for hire, but excluding bed and breakfast.

49. HUD APPROVED - A manufactured home constructed under the federal standards of the United States Department of Housing and Urban Development. This standard applies to all mobile homes constructed after June 15, 1976.

50. JUNKYARD - Any place of outdoor storage or deposit, whether in connection with a business or not, where 2 or more junk vehicles without a storage permit, or 1 or more junk mobile homes are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the material therein, metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any purpose.

51. JURISDICTION - The governmental unit that has adopted this local law under due legislative authority.

52. LOT - A portion or parcel of land considered as a unit

53. LOT WIDTH - The distance parallel to the front lot line measured through the center of the principal building.

54. LOT LINES - A line dividing one lot from another or from a street or any public place.

55. **MANUFACTURING, HEAVY-** A use whereby the mechanical or chemical transformations of materials or substances into new products, including the assembling, fabrication, finishing, manufacturing, packaging, blending or processing of component parts, materials, substances, or a combination thereof, including but not limited to oils, plastics, resins, etc. A manufacturing use that sufficiently meets the terms of a permitted use more specifically defined than manufacturing use shall be deemed said specific use.
56. **MANUFACTURED HOME** - A structure transportable in one or more sections that in the traveling mode is 8 feet or more in width or 40 feet or more in length or when erected on site is 320 square feet minimum and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standard established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any recreational vehicle.
57. **MANUFACTURED HOME PARK** - Any parcel of land improved for the placement of 3 or more mobile homes and/or manufactured homes in any combination which are to be used as dwellings and for occupancy for more than 180 consecutive days.
58. **MANUFACTURED HOME PARK LOT** - An area within a manufactured home park that has been designated and prepared in such a manner to provide adequate support for the placement of a manufactured or mobile home in accordance with generally accepted standards.
59. **MANUFACTURING, LIGHT-** The manufacture from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment and packaging of such products, as well as the incidental storage, sale and distribution of such product or parts. Light manufacturing structures shall not exceed 5,000 sf in size for all buildings added together.
60. **MARINA-** A facility providing boat docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services.
61. **MOBILE HOME** - A moveable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, including travel trailers.
62. **MODULAR HOME** - A structure certified as a modular home by the State of New York.
63. **MOTOR VEHICLE** - All vehicles propelled by power other than muscular power, including but not limited to automobile, bus, construction equipment, truck, tractor, motor home, motorcycle, back-hoe, bulldozer and boats. This term shall also include all-terrain vehicles or snowmobiles.
64. **MOTOR VEHICLE SALES, RENTAL OR REPAIR-** A retail structure in which motor vehicles are

sold, rented, serviced, or repaired and where associated parts are sold.

65. MUNICIPAL FACILITY- Any building or use that is owned or operated by the Town of Mayfield, County of Fulton, State of New York, the Federal Government or other entity such as a Fire District or School District.
66. NONCONFORMING BUILDING - A building legally existing at the time it was created which in its design or location upon a lot does not conform to the current regulations of this local law for the district or zone in which it is located.
67. NONCONFORMING LOT - A lot of record legally existing at the date of the passage of this local law, which does not have the minimum frontage or contain the minimum area for the zone in which it is located.
68. NONCONFORMING USE - Use of a building or a land legally existing at the time it was created but not conforming to the current zoning regulations of the district in which it is located.
69. NURSERY SCHOOL- A place or structure designed or utilized to provide regular care or instruction for more than 4 and less than 10 children.
70. OUTDOOR STORAGE - Storage other than in a completely enclosed structure, such as a garage, barn or structure with three walls and a roof such as a pole barn.
71. OUTSIDE WOODBOILER - A wood-fired furnace located outdoors or in a location that is separate from the space to which it provides heat. The furnace heats water or air that heats a structure.
72. OFFICE- A business, office or agency providing service to the general public that is clerical or professional in nature. Typical examples would be: Lawyers, Doctors, Accountants, Insurance Agencies, Real Estate Offices or other businesses providing similar services that are not listed otherwise in this document.
73. PARK AND RECREATION - PUBLIC - A municipally owned areas used for recreational purposes, including but not limited to, playgrounds, athletic fields, court areas, swimming pools, picnic facilities, nature preserves and other recreational facilities, including lands under water, open spaces, paths, parking areas, interior roads, entrances, exits and parts thereof which are contained on such land.
74. PARK - An area of land located within a development that is open to the public and devoted to active or passive recreation.
75. PARKING LOT- An area of land designed with parking spaces for use by patrons of a business or other activity not located on that parcel of land.
76. PARKING SPACE - A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.
77. PERFORMANCE BOND - An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board binding the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the

Planning Board as part of its approval.

78. PERMIT - An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity.
79. PERSON - Any individual, firm, partnership, association, corporation, company, entity or organization of any kind.
80. PLANNING BOARD - The Planning Board of the Town of Mayfield.
81. PUBLIC UTILITY- A public utility is a business that furnishes an everyday necessity to the public at large. Public utilities provide water, electricity, natural gas, telephone service, and other essentials. Utilities may be publicly or privately owned, but most are operated as private businesses.
82. PUBLIC TRANSPORTATION SHELTER- A structure provided to protect occupants from the weather as they wait to be picked up by a bus, taxi, train or other similar mode of transportation.
83. PRIVATE SCHOOLS-Any instructional institution, profit or non-profit, whose primary purpose is to provide instruction in a classroom type setting on specific topics and whose major source of funding is not received from taxpayer dollars.
84. PRIVATE STORAGE STRUCTURE- A single story building or buildings less than 5000 square feet in floor area aggregate, not associated with any business, used for the indoor storage of items. The contents of which are owned by the property owner.
85. PRIVATE CLUB OR LODGE- A structure used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.
86. PUBLIC PLAYGROUNDS - Publicly owned and accessible space provided for active recreational activities for children and/or adults.
87. RIDING ACADEMY- A school for instruction in equestrianism or for hiring of horses for pleasure riding
88. RECREATIONAL USE - Uses that are not otherwise defined in this document and involve indoor and outdoor activities such as: baseball, soccer, golf, basketball, skiing, skating, paintball, other sports, movie theaters, concert venues indoors and outdoors,, amusement parks and other similar activities.
89. RELIGIOUS AND RELATED FACILITIES- A structure or group of structures used for regular public worship by members or representatives for conducting religious services and accessory uses.
90. RETAIL OR SERVICE ESTABLISHMENT- A use or structure, not otherwise described in this Law, that provides goods and/or services directly to consumers where said goods and/or services are

available for immediate purchase and removal.

91. REPAIR - The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.
92. RESIDENT- Any person who is living on a full time basis in a building that is classified with a residential use on the current assessment roll
93. RESORT- A use, not otherwise described in this Law, that is a popular destination for vacations or recreation, or which is frequented for a particular purpose.
94. RESTAURANT/BAR- An establishment that prepares and sells food and beverage to customers primarily for onsite consumption.
95. RV / RECREATIONAL VEHICLE - Any portable recreation-type vehicle with its own wheels, that can be towed by an automobile or truck, that can be operated independently, or with utility connections, is used for temporary living, for travel, recreational or vacation purposes, is limited to 8 feet in width and up to 40 feet in length. This term also applies to trailers, fifth wheels, motor homes, truck campers and tents.
96. RV PARK/CAMPGROUND - Any parcel of land which is planned or improved for the placement of 3 or more RVs or 3 or more campsites for tents or any other similar form of outdoor accommodations, which are used as temporary living quarters.
97. ROADBED – A hard flat surface designed to carry vehicles; including the paved surface and shoulders of such roadbed provided the shoulders are capable of sustaining anticipated loads and traffic.
98. SAWMILL & FIREWOOD PROCESSING- A facility where timber or partially processed cants are sawn, split, shaved, stripped, chipped, planed or otherwise processed to produce wood products and firewood. The processing of timber for firewood on the property it was harvested from or the milling of any timber for private, onsite use shall not be considered a sawmill or firewood processing use.
99. SCREENING - A barrier, typically of year-round vegetation, that is sufficiently dense and high to conceal from view that which is behind it. A fence, hill, earthen pile or building may be considered screening when they meet the above stated objectives.
100. SHOOTING RANGE- An indoor or outdoor firing range with targets for rifle or handgun practice that charges a use or membership fee for the use of the premises.
101. SITE PLAN REVIEW- The approval process outlined in Article IX of this document.
102. SIGN - any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. These regulations shall not apply to any flag or insignia of a government or government agency, school or religious group, or any official traffic control device. Each display surface shall be considered to be a sign.
103. SOLAR COLLECTOR – A device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical

energy

104. SOLAR ENERGY SYSTEM SMALL- any solar farm installation which has a nameplate generation capacity of less than 15 kilowatts. Including rooftop mounted systems of any size.
105. SOLAR FARM – The use of land where a series of one (1) or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a name plate generation capacity of at least 15 kilowatts (kW) direct current (dc) or more when operating at maximum efficiency.
106. SOIL MINING - Excavation for the purpose of removing soil such as gravel pits, quarrying or any subsoil removal. This does not include any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period
107. STORAGE FACILITY- A piece of land, structure or group of structures, designed and or constructed for short or long-term storage of individual or business property for a fee. A storage facility does not include a warehouse/distribution center, truck terminal or other transfer facility for goods, wares or merchandise.
108. STORY - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
109. STORY ABOVE GRADE – Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:
 - a. More than 6 feet above grade plane.
 - b. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
 - c. More than 12 feet above the finished ground level at any point.
110. STREET - A public or private way for vehicular traffic, which includes the terms, roads, highway, thoroughfare, avenue, lane and other such terms.
111. STRUCTURE - that which is built or constructed or a portion thereof.
112. STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
113. SPECIAL USE PERMIT- The approval that may be granted at the end of the process outlined in Article XI of this document
114. TELECOMMUNICATIONS FACILITIES- Any facility that contains any of the items outlined in section 502-C.
115. TOURIST ACCOMMODATIONS- Any hotel, motel, resort, tourist cabin or similar facility designed to house the general public. Excludes RV Park/Campground.

116. TOWN - Shall mean the Town of Mayfield and its administrative agencies and officials.
117. TOWN BOARD - The Town Board of the Town of Mayfield.
118. TOWNHOUSE - A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.
119. TRAVEL TRAILER - A mobile recreational unit, including travel trailers, pickup campers, converted buses, tent-trailers, camper trailers, tents or similar devices, used for temporary portable housing.
120. UTILITIES - All water, sanitary sewer, gas, electric, telephone, cable television facilities and any easements through or over which said facilities maybe constructed or installed in or in connection with a development.
121. VARIANCE - An authorized departure by the Board of Appeals from the terms of this local law and in accordance with procedures set forth in this local law, in regard to a practical difficulty or a hardship peculiar to an individual lot or situation, for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land which is otherwise prohibited by this local law.
122. VETERINARY OFFICE - The use of a structure or lot for the treatment and/or examination of animal illnesses, including facilities for boarding animals receiving examination or treatment.
123. WIND SYSTEM LARGE - Any wind system installation which is able to generate power with a capacity of 15 kilowatts (kW) direct current (dc) or more.
124. WIND ENERGY SYSTEM SMALL - Any wind system installation which is able to generate power with a capacity of less than 15 kilowatts (kW) direct current (dc).
125. YARD, FRONT - An open space extending across the principal street side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street right-of-way line and the building line or any projection thereof, other than steps.
126. YARD, REAR - An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
127. YARD, SIDE - An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this local law.
128. WAREHOUSE - The use of a structure or lot for the storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment elsewhere.
- 129.
130. ZONING MAP - The Town of Mayfield Zoning Map."

ARTICLE III: DISTRICTS AND BOUNDARIES

Section 301: Zoning Districts

A. The Town of Mayfield is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESCRIPTION</u>
Residential -1	Residential land uses containing single and two family residences
Residential-2	Residential land uses containing all forms of housing types including; single family, two family, multiple family residences, townhouses, apartments, senior housing, condominiums and others.
Lake Area-1	Residential land uses containing single and two family residences
Lake Area-2	A mix of residential and commercial uses compatible with lake area tourism.
Mixed Use-1	A mix of uses including single, two family and multiple family residences and smaller commercial uses with a residential character.
Mixed Use-2	A mix of uses including single, two family and multiple family residences and smaller commercial uses with a residential character. Mixed Use -2 has more emphasis on residential uses vs. Mixed Use-1.
Agricultural-1	Agricultural lands with residential uses and limited commercial uses.
Agricultural-2	Agricultural lands with residential, recreation and some mixed commercial uses.
Resource Hub	High density residential and commercial uses
Commercial	Retail, office and related commercial uses.
Business	Manufacturing, warehousing, light and heavy industrial, distribution, retail and other commercial uses.
Recreational	Walking, hiking, snowmobile and biking trails, fields for soccer and baseball, tennis courts, golf courses, boating and fishing uses, ice skating rinks and other similar uses.
Public	Land owned by municipalities.
NYS Wild Forest Land	Land owned by New York State

Table 301: Zoning Uses

The uses noted in the below table have been defined in section 202. Based on those definitions and the zoning district description all uses will be assigned a use category by the code enforcement officer when one exists that substantially meets the described criteria. All agricultural uses are allowed regardless of the use category if the property is located in the Fulton County Agricultural District.

P-Permitted, SR-Site Plan Review Required, SU-Special Use Permit Required, N-Not Permitted, NA-Not Applicable

Use Category	Residential-1	Residential-2	Agricultural-1	Agricultural-2	Mixed Use-1	Mixed Use-2	Commercial	Business	Lake Area -1	Lake Area-2	Resource Hub	Recreation	Public	NYS Wild Forrest
RESIDENTIAL USES														
Dwelling-single family	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Dwelling- two family	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Dwelling-multiple family	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	NA	NA
Manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Manufactured home park	N	SU	SU	SU	SU	SU	SU	SU	SU	SU	N	SU	NA	NA
Daycare-adult or child facility	N	SU	SU	SU	SU	SU	SR	SR	N	N	SR	N	NA	NA
Cemetery	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	N	SU	NA	NA
Nursery School	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
COMMUNITY USES														
Community center	N	N	SU	SU	SU	SU	SR	SR	N	SU	SR	SU	P	NA
Cultural facility/Museum	N	SU	SU	SU	SU	SU	SR	SR	N	SU	SR	SU	P	NA
Municipal facility	SU	SU	SU	SU	SU	SU	SR	SR	N	SU	SR	SU	P	NA
Parks and recreation- public	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	NA
Public transportation shelter	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	NA
Public utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious and related facilities	SU	SU	SU	SU	SU	SU	SR	SR	N	SU	SR	SU	NA	NA
Schools Private	SU	SU	SU	SU	SU	SU	SU	SU	N	SU	SU	SU	NA	NA
Telecommunications Facilities	SU	SU	SU	SU	SU	SU	SU	SU	N	SU	SU	SU	SR	NA

(Table 301 cont.)	Residential-1	Residential-2	Agricultural-1	Agricultural-2	Mixed Use-1	Mixed Use-2	Commercial	Business	Lake Area -1	Lake Area-2	Resource Hub	Recreation	Public	NYS Wild Forrest
COMMERCIAL USES-1														
Adult entertainment	N	N	N	N	N	N	N	SU	N	N	N	N	NA	NA
Agriculture	N	N	P	P	N	N	N	N	N	N	N	N	NA	NA
Agriculture Non Livestock	P	P	P	P	P	P	P	P	N	N	P	P	NA	NA
Animal Shelter/Kennel	N	N	SR	SR	SR	N	SR	SR	N	N	N	N	NA	NA
Artist studio	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	NA	NA
Private Club or Lodge	N	SU	SR	SR	SR	SU	SR	SR	N	SR	SR	SR	NA	NA
Bed and breakfast	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	NA	NA
Storage Facility	N	N	N	SR	SR	N	SR	SR	N	SR	N	N	NA	NA
Broadcast facility -radio & TV	N	SR	SR	SR	SR	SR	SR	SR	N	SU	SU	SU	NA	NA
RV Park/Campground	N	SU	SU	SU	SU	N	SU	SU	N	SU	N	SU	NA	NA
Carwash	N	N	N	N	SR	N	SR	SR	N	N	SR	N	NA	NA
Restaurant/Bar	N	N	N	N	SR	N	SR	SR	N	SU	SR	SU	NA	NA
Recreational Use	N	N	N	SU	SU	N	SU	SU	N	SU	SU	SU	NA	NA
Resort	N	N	N	SU	SR	SR	SR	SR	N	SR	SR	SU	NA	NA
Tourist Accommodations	N	N	N	N	SR	N	SR	SR	N	SR	SR	SU	NA	NA
Light Manufacturing	N	N	N	SU	SR	N	SR	SR	N	N	N	N	NA	NA
Sawmill & Firewood Processing	N	N	P	P	SR	N	SR	SR	N	N	N	N	NA	NA
Heavy Manufacturing	N	N	N	N	N	N	SU	SR	N	N	N	N	NA	NA
Marina	N	N	N	N	N	N	SU	SR	N	SR	N	N	NA	NA
Motorized vehicle sales, rental or repair	N	N	N	N	SU	SU	SR	SR	N	N	SR	N	NA	NA
Soil Mining	N	N	SU	SU	SU	SU	SU	SU	N	N	N	SU	NA	NA

(Table 301 cont.)	Residential-1	Residential-2	Agricultural-1	Agricultural-2	Mixed Use-1	Mixed Use-2	Commercial	Business	Lake Area -1	Lake Area-2	Resource Hub	Recreation	Public	NYS Wild Forrest
COMMERCIAL USES-2														
Office	N	N	N	N	SR	SR	SR	SR	N	N	SR	N	P	NA
Parking lot	N	N	N	N	SR	SR	SR	SR	N	SR	SR	SR	P	NA
Research and development facility	N	N	N	N	SR	N	SR	SR	N	N	SR	N	NA	NA
Retail or service establishment	N	N	N	SU	SR	SU	SR	SR	N	N	SR	SU	NA	NA
Riding Academy	N	N	SR	SR	SR	SR	SR	SR	N	N	N	SU	NA	NA
Shooting range	N	N	N	N	N	N	SU	SU	N	N	N	SU	NA	NA
Private storage structure	P	P	P	P	P	P	P	P	P	P	SR	P	NA	NA
Veterinary office	N	N	SR	SR	SR	SR	SR	SR	N	N	SR	N	NA	NA
Warehouse	N	N	N	N	N	N	SU	SR	N	N	N	N	P	NA
Wind Systems Large & Solar Farms	N	N	SU	SU	SU	SU	SU	SU	N	N	SU	SU	SU	NA

(Table 301 cont.)	Residential-1	Residential-2	Agricultural-1	Agricultural-2	Mixed Use-1	Mixed Use-2	Commercial	Business	Lake Area -1	Lake Area-2	Resource Hub	Recreation	Public	NYS Wild Forrest
ACCESSORY USES														
Accessory apartment	P	P	P	P	P	P	P	P	SR	SR	N	P	NA	NA
Accessory Building Residential	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Accessory Building Commercial	N	N	SR	SR	SR	SR	SR	SR	N	SR	SR	SR	P	NA
Guest cottage	P	P	P	P	P	P	P	P	P	P	N	P	NA	NA
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	NA	NA
Outside wood boiler	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
Solar energy system -small	P	P	P	P	P	P	P	P	P	P	P	P	P	NA
Wind energy system -small	SU	SU	P	P	P	P	P	P	SU	SU	SU	P	P	NA
Hobby Farm with Livestock	P	P	P	P	P	P	P	P	N	N	P	P	P	NA
Hobby Farm without Livestock	P	P	P	P	P	P	P	P	P	P	P	P	P	NA

- B. **Home occupations** are permitted in dwellings and accessory buildings subject to the following criteria and standards. Home occupations shall in no event be deemed to include animal hospitals, kennels, clinics or hospitals, mortuaries, private clubs, motor vehicle sales, rentals or repair, bars, restaurants, hotels, bed and breakfasts, outside storage occupancies or similar uses.

A. General Requirements:

All home occupations shall:

1. Be classified as a Level I or Level II by the Code Enforcement Officer
2. Be conducted by a resident of the property where it is being operated.
3. Maintain the character of the neighborhood.
4. Ensure the peace, privacy and quiet of the neighborhood.
5. Avoid excessive noise, traffic, nuisance, fire hazard and other adverse effects sometimes associated with a business use.
6. Submit written permission from the property owner if the applicant is not the legal owner of the property.

B. Additional Requirements Home occupation Level I.

Level I home occupations shall:

1. Be conducted in a manner which does not give the outward appearance of a business.
2. Not generate automobile or truck traffic that would exceed the volume of traffic that would otherwise be generated by typical residential use.
3. Have no external storage of materials, equipment, containers, finished products or associated vehicles outside the dwelling or accessory building other than that which is normally associated with residential use.
4. Be incidental and secondary to the use of a dwelling used for residential purposes. Such uses shall occupy an area no greater than 300 square feet.
5. Not have any nonresident employees.
6. Not have signage that exceeds one two sided sign 4 square feet in size and shall not be illuminated.
7. Obtain a permit from the code enforcement officer prior to operating a level I home occupation.

C. Additional Requirements Home occupation Level II.

Level II home occupations shall:

1. Be conducted in a manner which does not give the outward appearance of a business.
2. Be incidental and secondary to the use of a dwelling used for residential purposes. Such uses shall occupy an area no greater than 600 square feet.
3. Not have signage that exceeds one two sided sign 4 square feet in size and shall not be illuminated.
4. Allow no more than one nonresident assistant, intern, or employee on site at any time of operation.
5. Provide off-street parking for any potential increase in vehicles at the dwelling.
6. Obtain a special use permit from the Planning Board prior to operating a level II home occupation.

D. Exceptions Home Occupation

The following are considered Home Occupations for purposes of the home occupation regulations in this regulation provided they comply with the provisions following each use and the general requirements listed under A. General Requirements identified as numbers 2,3,4 and 5:

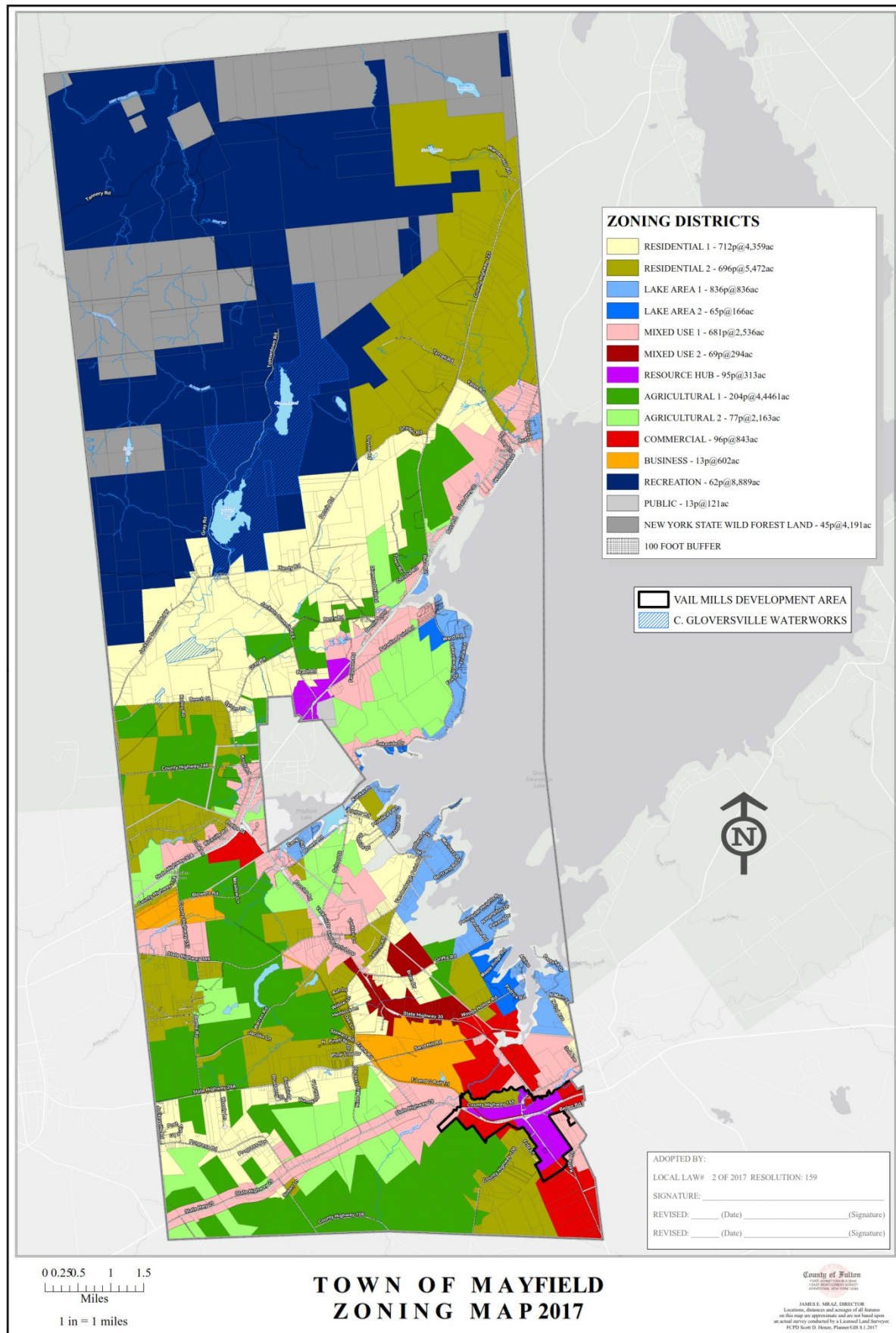
1. Hobby Incidental Sales: Are exempt from the home occupation standards in this document. Hobby sales are required to meet all the criteria of a Level I home occupation with the exception that they would be allowed the sale of seasonal items indoors and out; four times a year with a maximum duration not to exceed seven consecutive days for each time, provided the sales area does not occupy an area in excess of 400 square feet.. Examples of hobby incidental sales would be the sale of, picnic tables, woodcrafts, artwork and other similar items.
2. Garage Sales: Shall not be considered a home occupation provided that they are not held more than four times a year, with a maximum duration not to exceed seven consecutive days for each time. Town wide garage sales shall not count as one of the four times.
3. Business Vehicles: The sole parking of any work vehicle or trailer at the operators' residence

shall not be considered a home occupation.

4. Agricultural Products: Agricultural type products such as but not limited to firewood, produce, flowers, worms and Christmas trees shall not be regulated as home occupations or businesses in this zoning document provided the sales area does not occupy an area in excess of 400 square feet.

302: Zoning Map

The locations and boundaries of the zoning districts hereby established are shown on the map entitled "Town of Mayfield Zoning Map". The Zoning Map and all notations, references and other information shown thereon are hereby incorporated herein and declared to be part of this local law. The Town Board shall delineate on the Zoning Map all amendments to the district boundaries, which are authorized by local law immediately upon the effective date of such local law, indicating the area, change and date of said amendment.



Section 303: Application of Regulations

No building, structure or land shall be used, altered or occupied except as permitted by and in conformity with the general and supplementary regulations specified in this local law. No building shall be erected nor existing building be moved, altered, enlarged, or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot area and building location regulations hereinafter set forth in this local law.

Section 304: District Boundaries

A. Where uncertainty exists as to the locations of any boundaries shown on the Zoning Map, the following rules shall apply:

1. District boundary lines are intended to follow center lines of streets or alleys, rights-of-way, water courses, or lot lines or be parallel or perpendicular thereto unless such boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
3. In un-subdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
4. If after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said line.
5. Where a district boundary line divides a lot of record held by 1 owner at the time of adoption of said district line, the regulations for the less restricted portion of said lot shall apply to the remainder of said lot up to a distance of not more than 50 feet from said district line.

Section 305: Non Specified Uses

Any uses not specifically permitted by this local law are prohibited. In the case of any dispute over the meaning of a word, phrase, sentence, definition or of provision of this local law, the Code Enforcement Officer is hereby authorized to make a definitive determination being guided in such determination by the purposes and intent of this local law as set forth in Article I. Any determination made by the Code Enforcement Officer may be appealed to the Board of Appeals in the manner prescribed by Article XI.

ARTICLE IV: LOT AND BUILDING REQUIREMENTS

Section 401: Area & Height Requirements

- A. Setbacks shall be measured from vertical plane of any part of structure.
- B. Bulk Requirements:

Table 401: Bulk Requirements

Bulk Requirements	Residential-1	Residential-2	Agricultural-1	Agricultural-2	Mixed Use-1	Mixed Use-2	Commercial	Business	Lake Area -1	Lake Area-2	Resource Hub	Recreation	Public	NYS Wild Forest
Minimum Lot Size in Acres - With Municipal Sewer *1/2 Acre all districts	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Minimum Lot Size in Acres - No Municipal Sewer	1	1	1	1	1	1	1	1	1	1	1	1	1	NA
Minimum Lot width in Feet *150 Feet all districts	*	*	*	*	*	*	*	*	*	*	*	*	*	NA
Maximum percent of lot occupied by all structures	20	20	20	50	50	50	50	50	30	30	50	50	50	NA
Maximum Height Building Height in Feet	40	40	40	40	40	40	40	40	40	40	40	40	40	NA
Minimum Front Yard Setback in Feet	25	25	25	25	25	25	25	25	15	15	25	25	25	NA
Minimum Side Yard Setback in Feet	15	15	15	15	15	15	15	15	7	7	15	15	15	NA
Minimum Rear Yard Setback in Feet	15	15	15	15	15	15	15	15	15	15	15	15	15	NA
Minimum Yard Setback to Hudson River Black River Regulating District Property in Feet	5	5	5	5	5	5	5	5	5	5	5	5	5	NA

Section 402: Additional Area Regulations

A. Lots of Less Than Required Dimensions:

1. Any nonconforming lot with an area or width less than that required in the district in which said lot is located may be used for any purpose permitted in the district provided that all other regulations prescribed for the district shall be complied with and further provided that said lot was held under separate ownership at the time of the adoption of this local law and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

B. Reduction of Lot Area:

No lot shall be reduced below the requirements of this local law.

C. Corner Lot:

All corner lots in every district shall provide a front and rear yard, which is designated by the owner in his application for a building permit. A side yard along a street shall be a minimum of 25 feet. Nothing in this local law shall be so interpreted as to reduce the building width of a corner lot facing an intersecting street and of record at the time of the passage of this local law to less than 25 feet.

D. Visibility at Street Corners:

On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than 3 feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines.

:

E. Front Yard Exceptions:

The front yard of all buildings and structures hereafter constructed within a residential district shall be not less than the average front yard of all principal buildings (including attached garages) in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300-foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard."

F. Transition Yard Requirements:

1. Where two districts abut on the same street between two intersecting streets and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.

2. Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side or rear yard equal in depth to that required in the more restricted district.

G. Protection of Architectural Features, Terraces, Porches, Fire Escapes:

1. The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than 2 feet into any required yard. In L-1 and L-2 districts, projections cannot infringe on the 7-foot side yard or 5-foot distance to Hudson River Black River Regulating District.

2. A deck not to exceed 18 inches above grade, or paved terrace, shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such deck or terrace is unroofed and without walls, parapets or other form of enclosure exceeding 6 feet in height. Such deck or terrace shall not be closer than 10 feet from side or rear lot line in all zones except L-1 and L-2 where the restriction is not closer than 7 feet from side and 5 feet from Hudson River Black River Regulating District.

3. In determining the percentage of building coverage or the size of yards for the purpose of this local law, enclosed porches open at the side but roofed shall be considered a part of the building.

4. An open stairway may extend into any required yard not more than 7 feet, provided that such open stairway shall not be closer than 6 feet at any point to any lot line.

5. Unenclosed entrance steps, stairways or ramps providing access to the first story of a building may extend into any required yard a distance not to exceed 8 feet and shall not be closer than 6 feet at any point on any side lot line.

6. A pool shall not be considered an accessory structure, but shall only be placed in side or rear lots. A pool shall maintain a 10-foot setback from side and rear property lines and in the case of a corner lot, shall be placed no closer to the side property line than the principal building would be allowed in that particular district.

H. Walls, Fences and Hedges:

1. The yard requirements of this local law shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by this local law; provided that such fence, wall, or hedge shall be no closer to any front lot line than 6 inches and shall comply with visibility at street corners as provided in this local law. No hedge shall be allowed to overhang the lot line.

Section 403: Additional Height Requirements

A. Chimneys, Spires, Etc.:

1. The height limitations of this local law shall not apply to barns, silos and other farm

buildings, belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

2. Chimneys, water towers, mechanical appurtenances, flagpoles, monuments, transmission towers and cables, radio, television and telephone antenna or towers and similar structures exceeding the zone height limitation are subject to site plan review.

Section 404: Accessory Buildings

A. Number of Accessory Buildings:

1. There shall be not more than 4 accessory buildings, regardless of their size, on any lot located in any R-1, R-2, L-1 or L-2 districts. Other districts shall not be subject to such provisions.

B. Location:

1. Accessory buildings may be erected within the rear yard in accordance with the following requirements:

- a. For accessory buildings of 144 square feet or less: 5 feet from side or rear line.
- b. For garages or other accessory buildings of more than 144 square feet: same as for principal building.
- c. For accessory buildings in side yard, street side of corner lot: same as for principal building.

C. Accessory Buildings in Commercial or Business District:

Non-dwelling accessory buildings shall comply with the same setback requirements as the principal building.

ARTICLE V: SUPPLEMENTARY REGULATIONS

Section 501: Adult Entertainment Uses:

A. The Town of Mayfield Zoning Commission has conducted a study of the secondary effects of adult uses to determine their impact on the community. The Town Board has accepted the findings of the study.

B. Findings and Legislative Intent.

1. It is recognized that there are some uses, which, because of their very nature, have serious objectionable operational characteristics under certain circumstances, which produce a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Town Board finds it in the public interest to enact such regulations. The purpose of these regulations is to prevent or lessen the secondary effects of adult entertainment uses, and not to inhibit freedom of speech in any way.

2. The unrestrained proliferation and inappropriate location of such businesses is inconsistent with existing development and the future plans for the Town in that they often result in influences on the community, which increase the crime rate and undermine the economic and social welfare of the community. The deleterious effects of these businesses change the economic and social character of the existing community and adversely affect existing businesses and community and family life.

C. Definitions.

1. Adult Entertainment Uses shall be defined as follows:

- a. Adult Book and/or Video Store-An establishment having as a substantial or significant portion of its stock in trade books, magazines, periodicals, or other printed matter or photographs, films, videos, slides or other visual representations, which are characterized by the exposure or emphasis of “specified sexual activities” or “specified anatomical areas” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” which are for sale, rental or viewing on or off the premises.
- b. Adult Entertainment Cabaret-A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, videos, slides or other photographic material, or which utilizes employees, that as part of their employment, regularly expose patrons to “specified sexual activities” or “specified anatomical areas”.
- c. Adult Theater-A theater, concert hall, auditorium or similar establishment which, for

any form of consideration, regularly features live performances characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.

- d. Adult Motion Picture Theater-any motion picture theater where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 - e. Massage Establishment-Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
 - f. Adult Model Studio-Any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.
 - g. Peep Shows-A theater which presents materials distinguished or characterized by primary emphasis on matters depicting, describing or relating to specified sexual activities or specified sexual anatomical areas, in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged.
2. Specified Sexual Activities shall be defined as follows:
- a. human genitals in a state of sexual stimulation or arousal; or
 - b. acts of human masturbation, sexual intercourse or sodomy; or
 - c. fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.
3. Specified Anatomical Areas shall be defined as follows:
- a. less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
 - b. Human genitals in a discernibly turgid state even if completely and opaquely covered.

D. Locational Restrictions.

Adult Entertainment Uses shall be permitted only in the Business Zoning District subject to the following restrictions:

1. Adult Entertainment Uses are prohibited within:
 - a. 600 feet of any zoning district other than Business.
 - b. 1000 feet of any single-family, two family, or multiple family dwelling including structures devoted to both residential and commercial or business purposes;
 - c. 1000 feet of any public or private school;
 - d. 1000 feet of any church or other religious facility or institution;
 - e. 1000 feet of any public park, public bike path, playground or playing field, cemetery, civic or recreational facility.
2. No Adult Entertainment Use shall be allowed within 1000 feet of another existing Adult Entertainment Use.
3. No more than one Adult Entertainment Use shall be located on any lot.
4. The distances provided hereinabove shall be measured a straight line, without regard to intervening buildings, from the nearest point of the boundary of the parcel upon which the Adult Entertainment Use is to be located to the nearest point of the boundary of the parcel of property or the zoning district boundary line from which the Adult Entertainment Use is to be separated.

E. Other Restrictions.

1. No Adult Entertainment Use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to specify sexual activities or specified anatomical areas from any public way or from any property not containing an Adult Entertainment Use. This provision shall apply to any display, decoration, sign, show, window or other opening.
2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.
3. Adult Entertainment Uses shall obtain site plan approval from the Planning Board.
4. Adult Entertainment Uses shall comply with all other regulations of the Town including but not limited to district lot and bulk regulations, parking regulations and signage.
5. It shall be unlawful to operate to an Adult Entertainment Use between the hours of 12:00 a.m. and 8:00 a.m.

Section 502: Telecommunications Facilities

- A. Notwithstanding the provisions of section 301 herein relating to allowed uses in zoning districts, telecommunication facilities shall be allowed in any zoning district of the town so long as they comply with the procedural and substantive requirements of this section.

B. Purpose:

1. The purpose of this section is to establish predictable and balanced regulations for the siting of telecommunication facilities in order to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town desires to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.
2. This section also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and structures, in order to further minimize adverse visual effects from telecommunications towers.
3. This law is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall it be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

C. Definitions:

1. Telecommunication tower - A structure on which one or more antennae will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for a Federal Communications Commission licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.
2. Telecommunication antenna - A system of electrical conductors that transmit or receive radio frequency waves.
3. Telecommunication facility - Any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for the operation of a cellular or computer system (also known as base transceiver station (BTS)).
4. Accessory use - An accessory use serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds.

D. Review Authority:

1. The Planning Board is authorized to review and approve, approve with modifications or disapprove special use permits for telecommunications facilities pursuant to this local law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication facility, including

the use of camouflage of the tower structure and/or antenna to reduce visual impact.

2. Except as provided below, no telecommunication facility shall hereafter be erected, moved, reconstructed, changed or altered and no existing structure shall be modified to serve as a telecommunication facility, except after obtaining a special use permit in conformity with this local law.

3. Telecommunication antennae placed on existing telecommunication towers or on existing structures do not require a special use permit unless it will be modified in such a way as to increase its height, or unless a new accessory structure would be built.

4. The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a telecommunication tower when the Planning Board finds that such camouflage significantly reduces visual impact to the surrounding area. However, the Planning Board may not waive the requirement that a public hearing be held on the application.

5. No building permit shall be issued until the applicant provides proof that space on the facility has been leased or will be operated by a provider licensed by the Federal Communications Commission to provide service in the area.

E. General Criteria:

No special use permit relating to a telecommunications facility shall be authorized by the Planning Board unless it finds that such facility:

1. Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;
2. Conforms to all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies; and,
3. Will be designed and constructed in a manner which minimizes visual impact to the extent practicable;
4. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility?

F. Submission Requirements for Applications:

The Planning Board may waive any particular submission requirements it determines unnecessary for review of a particular project. The Planning Board may require additional information prior to approval. Applications for Special Use Permits shall include:

1. Project Participants

Provide the names, addresses, and phone and fax numbers of the following involved parties, as appropriate.

- a. The landowner of the project site to be purchased or leased;
- b. The service provider-corporate and point of contact including the Federal Communications Commission license number and certificate of need as a public utility, as/if applicable;
- c. Engineering consultant(s);
- d. Legal representative(s);
- e. Other authorized service providers proposing to co-locate on the tower now or in the near future;
- f. Where co-location is proposed, provide the names, addresses, phone and fax numbers of the current owner(s) of the tower, building or structure upon which the co-location was considered or is proposed; and
- g. Where co-location is proposed, to-scale site plans and elevations of the existing tower, building or structure to be used for co-location, plans, elevations, and details showing the proposed electronic communication facilities and existing antennae located or to be located on the tower.

2. Site Description

Provide a narrative description of the proposed project site, including:

- a. existing site improvements, including access, utilities, and the presence of existing towers, buildings, or other structures;
- b. vegetative cover (e.g., plant cover types, species, tree types (average, minimum, and maximum) relative condition and health of the vegetation; and tree stand density)
- c. slopes;
- d. soils and the depth to bedrock;
- e. wetlands and surface water bodies;
- f. site drainage;
- g. any special plant and animal habitats contained on the New York State Department of Environmental Conservation Natural Heritage Program database; and
- h. Any historic or archeological resources on the site and any historic resources adjacent to the site.
- i. Where co-location is proposed, provide to-scale site plans and elevations of the existing tower, building or structure to be used for co-location. Provide plans, elevations, and details showing the proposed electronic communication facilities and existing antennae located on the tower.

3. Site Plan and Construction Details

Provide a detailed, labeled, and to-scale site plan that includes the following information:

- a. scale, north arrow, date and name of preparer;
- b. project site boundaries (if part of a larger parcel, include a map of the larger, parent parcel and the location of the area to be acquired or leased for the project);
- c. abutting property owners, names and addresses;
- d. all bodies of water; wetlands; permanent or intermittent streams; and mean high water mark for larger water bodies on or adjoining the project site;
- e. existing and proposed topographic contours at 2-foot intervals in and within 200 feet of

- all proposed areas to be disturbed;
- f. all existing and proposed buildings, structures, roads, utilities, and driveways;
- g. existing vegetation cover types and tree lines;
- h. the proposed limits of vegetation disturbance and/or clearing related to the proposed construction of the site access, tower, and accessory structures;
- i. all trees 4 inches or greater in size (diameter at breast height) to be removed;
- j. all proposed plantings; and
- k. All existing and proposed drainage and erosion control and storm water management facilities.
- l. For any new or improved access roads or driveways, provide a grading plan, centerline profile, and cross sections (every 100 feet showing proposed and existing contours at two foot intervals) and identify the construction material(s) (e.g., gravel, asphalt).
- m. Provide detailed construction plans showing elevations of the proposed tower, antennae, equipment shelters (enclosed building, structure, cabinet, shed or box to contain batteries and electrical equipment). Show all foundations, piers, structural supports, cross arms, guy wires and anchors, antennae mounting mechanisms and signage. Label the size, material and provide color sample of all towers, antennae, and accessory structures (e.g., equipment shelters, security fencing, and signage).

G. Location:

The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any special use permit application, renewal or modification thereof shall include proof that best efforts have been made to co-locate within an existing telecommunication facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facilities due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities.
2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
3. Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so as to allow it to function effectively and reasonably.
4. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures.
5. The property owner or owner of the existing telecommunication facility or other structure refuses to allow such co-location or demands an unreasonably high fee for such co-location compared to current industry rates.

H. Fall Zones:

Telecommunications towers shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the tower should fall, it will remain within the property boundaries and avoid other structures, public streets, utility lines and telecommunication facilities. If a new structure is constructed, the minimum distance between the base of the support structure and the property lines shall be at least 10% greater than the height of the antenna.

I. Setbacks

Telecommunication towers and facilities shall comply with all existing setbacks prescribed by this local law for the zoning district in which such facilities are proposed to be located. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities. Telecommunications towers and facilities should be sited at least 1,000 feet from occupied buildings. Where lower distances are requested, the applicant must demonstrate why such location is necessary.

J. Lighting:

Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration. Notwithstanding, an applicant may be compelled to add Federal Aviation Administration style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety. The Planning Board may choose the most appropriate lighting and marking plan from the options acceptable by the Federal Aviation Administration at that location. The applicant must provide both standard and alternative lighting and marking plans for the Planning Board's review.

K. Visibility and Aesthetics:

1. Tower height shall be no greater than that required to provide the required service area coverage and shall be so demonstrated. In no instance shall the tower height be greater than 199 feet measured from the ground surface.
2. Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree line unless other standards are required by the Federal Aviation Administration. Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration lighting and painting requirements. Accessory uses shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
3. The project shall be designed to blend with the natural and/or manmade surroundings to the maximum extent practicable.
4. Structures offering slender silhouettes (i.e. monopoles or guyed tower) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The Planning Board may consider the type of structure being proposed and the surrounding area.

5. The applicant must demonstrate the feasibility of designing a proposed telecommunication tower to accommodate future demand for additional facilities.

L. Vegetation and Screening:

1. Existing on-site vegetation shall be preserved to the maximum extent possible. And no cutting of trees exceeding four inches in diameter shall occur prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.

2. The Planning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

M. Access and Parking:

1. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

2. Equipment or vehicles shall not be stored on the facility site.

N. Signs:

The use of any portion of a telecommunication facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited. The Planning Board may require the installation of signage with safety information.

O. Security:

1. Towers, anchor points around guyed towers, and accessory structures shall each be surrounded by fencing not less than six feet in height.

2. There shall be no permanent climbing pegs within fifteen feet of the ground.

3. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site.

4. A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public thoroughfare.

P. Engineering Standards:

1. All telecommunication facilities shall be built, operated and maintained to acceptable

industry Standards. Each application must contain a site plan for the facility containing the signature of an engineer licensed by the State of New York.

2. Every facility shall be inspected at least every two years for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Code Enforcement Officer.

Q. Abandonment and Removal:

All telecommunications facilities, including but not limited to antennae, towers and accessory structures, shall be dismantled and removed from the site by the land owner when they have been inoperative or abandoned for one year.

Section 503: Agricultural Districts

Any owner of a parcel of land within the Town, which is located within a New York State agricultural district certified pursuant to Article 25-AA of the Agriculture and Markets Law, shall not be prohibited from performing normal agricultural practices or from constructing typical agricultural structures. This provision shall be in effect for all zoning districts within the Town.

Section 504: Signs

- A. All existing signs as of the effective date of this local law shall be allowed to remain and any necessary upgrades due to maintenance considerations shall be allowed.
- B. All new signs constructed after the effective date of this local law shall comply as follows:
 - a. On all property adjacent to State Highways the New York State rules and regulations as enforced by DOT shall be the applicable law.
 - b. On all property not adjacent to State Highways the rules as outlined under the Town and County Road Regulations Section 504- C shall apply.
- C. Town and County Road Regulations:
 - 1. Signs shall be maintained in good condition. Signs which are permitted to deteriorate shall be removed upon the direction of the Code Enforcement Officer following notification to the owner or operator
 - 2. No sign shall be erected which, in the opinion of the Code Enforcement Officer, may cause hazardous or unsafe conditions. Such signs shall be removed upon direction of the Code Enforcement Officer following notification to the owner or operator.
 - 3. No sign shall have a source of illumination directed toward a public street or adjacent property.
 - 4. The total area of all signs located on any parcel shall not exceed 100 square feet in L-2 districts, 200 square feet in C-1 and I-1 districts and 16 square feet for all other districts.
 - 5. These regulations are not intended to allow the placement of any sign on property adjacent to a Town or County road in violation of any Highway Law or other regulation

Section 505: Manufactured Home Parks and RV Parks

Subsection 505-1: Terminology

- A. For purposes of this Section 505 only, the term "mobile home" shall refer to and include both mobile homes and manufactured homes as defined in Section 202 herein."

Subsection 505-2: General

A. All Manufactured Home Parks and RV Parks shall be planned as a unit and shall be located on a tract of land at least 6 acres in area. No person or persons, being the owner or occupant of any land in the Town, shall use or permit the development and use of such land as a Manufactured Home Park or RV Park without first obtaining a permit therefore as provided in this local law.

Applications for a permit for a Manufactured Home Park or RV Park shall be filed in writing with the Code Enforcement Officer and shall comply with the submittal requirements outlined for a site plan review or special use permit as applicable.

1. Procedure. Upon the submission of such application, the Code Enforcement Officer shall refer the application to the Planning Board to review the same in accordance with all applicable rules and regulations for such review taking place.

2. Renewal of Manufactured Home Park or RV Park permit.

- a. An application for the renewal of any Manufactured Home Park or RV Park license, issued in accordance with the provisions of this local law, must be filed with the Town Clerk no later than May 1st of each year.
- b. The renewal application need not be accompanied by a plan of the park unless changes have been made to the facility.
- c. All licenses for Manufactured Home Parks and RV Parks shall expire on May 30th of each year. Consequently, upon approval of the Code Enforcement Officer the Town Clerk shall issue a renewal license, effective upon the expiration of the previous license and shall continue in force for a period of one year.
- d. Such renewal license shall not be transferable or assignable
- e. The applicant shall pay a fee of \$20.00 per lot in a Manufactured Home Park or RV Park as part of the license applications.

Subsection 505-3: Permits for Existing Manufactured Home Parks or RV Parks

A. The owner of any Manufactured Home Park or RV Park existing prior to the adoption of this local law shall apply for a permit within one year from the date of adoption of this local law, and such permit shall be subject to renewal annually thereafter.

B. Upon initial application, the Code Enforcement Officer shall issue a temporary permit valid for two years and shall serve notice on the park owner of any safety and/or sanitary violations of this local law, which might exist. Any additions to the park shall comply with the provisions of this local law.

Subsection 505-4: Site Location

A. Neighborhood. Manufactured Home Parks and RV Parks shall be located in those areas specified in this local law and the Zoning Map.

Subsection 505-5: Natural Features

A. Topography, ground water level, surface drainage and soil conditions shall not be such as to create hazards to the property or to the health and safety of the occupants. No developed portion of the site shall be subject to excessive settling or erosion. A sloping site should be graded to produce terraced lots for placement of the Manufactured home units and, in general, units should be placed parallel rather than perpendicular to the slope.

Subsection 505-6: Requirements for Manufactured Home Parks

A. Manufactured Homes

1. The total number of Manufactured home lots in a Manufactured home park shall not exceed 4 per gross acre.
2. Each Manufactured home lot shall have a total area of not less than 5,000 square feet with a minimum dimension of 50 feet.
3. Only 1 Manufactured home shall be permitted to occupy any 1 Manufactured home lot.
4. No manufactured home or mobile home apparatus such as porches, decks or accessory structures shall be parked or constructed or otherwise located nearer than a distance of:
 - a. 30 feet from adjacent manufactured home in any direction.
 - b. 50 feet from an adjacent property line.
 - c. 50 feet from the right of way line of a public street or highway.
 - d. 10 feet from the nearest edge of any roadway within the park.
5. A common space for outdoor recreation shall be provided for residents of the park.

B. Manufactured Home Stand.

1. Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on and removal from the lot of both the manufactured home and its appurtenant structures, and the retention of the manufactured home on the lot in a stable condition.
2. The stand shall be of sufficient size to fit the dimensions of the anticipated manufactured home and its appurtenant structures or appendages.
3. The stand shall be constructed with a full cellar, or on a concrete slab, or on piers which are durable and adequate for the support of the maximum anticipated load, or in accordance with manufacturer's installation instructions.
4. The stand shall be suitably graded to permit rapid surface drainage.

C. Accessibility.

1. Each Manufactured Home Park shall be easily accessible from an existing

public road, highway, or street.

2. Where a Manufactured Home Park has more than 16 manufactured home sites, 2 points of access shall be provided, but in no instances shall the number of entry and exit points exceed 4 on any 1 public road, highway, or street.
3. Construction of any entrance road shall not commence until approval of the Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation is obtained.
4. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park, and to minimize interference with the free movement of traffic on a public highway, road or street.
5. All entrances and exits shall be at right angles to the existing public highway, road or street or as approved by the applicable authority (Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation).
6. All entrances and exits shall be free of any materials which would impede the visibility of the driver on a public highway, road, or street.
7. All entrances and exits shall be of sufficient width to facilitate the turning movement of vehicles with manufactured homes attached.
8. All exits, except the main exit, may be closed in such a manner so as to be readily opened and available for exit if an emergency should arise.
9. The Manufactured Home Park owner shall be responsible for providing stop signs at all exits from the manufactured home park. All signs must be Department of Transportation approved.
10. All streets or roads within such park shall be named and signs erected, and shall be registered with the Fulton County 911 Coordinator.

D. Streets

1. Each Manufactured Home Park shall have approved streets to provide for the convenient access to all manufactured home lots and other important facilities within the park.
2. The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
3. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
4. All streets shall intersect at right angles.
5. All streets shall have the following minimum widths:

- a. One-way traffic movement: 18-foot roadbed.
- b. Two-way traffic movement: 28-foot roadbed.

6. Except in cases of emergency, no parking shall be allowed on such streets.

7. Streets within the park shall be graded and properly ditched to provide efficient drainage to prevent erosion and deterioration of park roadways.

E. Driveway

1. Each manufactured home lot shall be provided an improved driveway which protrudes above the surrounding area shall be provided for each manufactured home lot. This driveway shall have a minimum width of 9 feet.

F. Parking

1. One off-street space shall be provided on each manufactured home lot. The parking space shall be similar construction and grading as the driveway. Such space shall have a minimum width of 9 feet and a minimum length of 20 feet.

2. Additional off-street parking spaces shall be provided at strategic and convenient locations for guests and delivery and service vehicles.

- a. There shall be 1 such parking space for each 2 manufactured home lots within the park.
- b. Such parking space shall be provided in bays which shall provide for adequate maneuvering space.

G. Utilities & Service Facilities:

1. Utility and service facilities shall be provided in each Manufactured Home Park which shall be in accordance with the regulations and requirements of the New York State Department of Health, New York State Uniform Fire Prevention and Building Code and New York State Department of Environmental Conservation.

- a. A centralized garbage pick- up station shall be located in an enclosure along a town, county, or state road. Enclosures shall be chain link type fencing with latching gate and screened from public view. Location of the pick-up station shall be approved by the Town Highway Superintendent. Where more than fifty manufactured home lots exist within the Manufactured Home Park, the Town Board may require multiple garbage pick- up stations.

H. Manufactured Home Sales Area

1. The display and sale of manufactured homes shall not be permitted in any area where manufactured home parks are permitted and which is zoned for residential development only

I. Park Facilities and Activities

1. If park facilities and activities such as meeting rooms, recreation buildings, laundry rooms and swimming pools are to be included in the Manufactured Home Park, the plan shall include details of these facilities and the owner's statement of intent to provide adequate supervision and management of such facilities and activities.
2. All park facilities and activities shall be landscaped with trees, shrubs and grass and shall provide adequate paved off-street parking space.
3. Park facilities and activities shall be located and designed in a manner that will be a visual asset to the Manufactured Home Park and compatible with the residential character of the park.

J. Open Space Treatment and Park Amenity

1. In all Manufactured Home Parks, a variety of open spaces shall be provided so as to be usable by and easily accessible to all park residents. Such open space shall have a total area equal to at least ten percent of the gross land area of the park. Part or all of such open space shall be in the form of developed recreation areas located in such a way and of adequate size and shape as to be usable for active recreation purposes. All open space shall be stabilized by grass or other forms of ground cover, which will prevent dust and muddy areas.
2. Manufactured Home Parks shall be buffered from other development or highway by a hedge or similar landscaped screen, which will rapidly reach a height of at least 6 feet. A combination of landscaping and decorative fencing may be substituted, provided that the height requirement is met and considerable landscaping is used.
3. Exposed ground surfaces in all parts of any Manufactured Home Park shall be paved, surfaced with crushed stone or other solid material or protected with grass or other ground cover capable of preventing erosion and of eliminating objectionable dust.

K. Walkways.

Each manufactured home stand shall be provided with a walkway leading from the stand to the street or to a driveway or parking area connecting to the street.

L. Fencing.

If fencing of individual lots within the park is to be provided by the manufactured home occupant, standards shall be provided by the park operator so the consistency can be maintained. Specifications shall accompany the original submission.

M. Park lighting.

All Manufactured Home Parks shall be furnished with adequate lights to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Electric

service to such lights shall be installed underground, and decorative lighting fixtures shall be used where possible.

N. Electric Power and Telephone

1. The Manufactured Home Park electrical distribution system shall be installed underground and shall comply with the National Electric Safety Code and with requirements of the utility serving the area and the Public Service Commission.
2. The distribution system for telephone service shall be underground in accordance with the standards established by the telephone company.

O. Fuel systems

1. All Manufactured Home Parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
2. Natural gas installations shall be planned and installed so that all components and workmanship comply with the requirements of American Gas Association, Inc., and conform to the requirements, inspections and approval of the utility which will supply this product.
3. Heating systems with common supplies shall be designed, constructed, inspected and maintained in conformance with the provisions of National Fire Protection Association, Standard 30. In the event that a park system which requires pumping for fuel distribution is planned, a backup pump shall be required.
4. Liquefied petroleum gas systems shall be selected, installed and maintained in compliance with all applicable regulations and tanks shall be located to the rear of the manufactured home site and shall be landscaped and screened from public view.

P. Fire Protection

1. The Manufactured Home Park plan shall include a list of the applicable rules and regulations of the fire district wherein said park is located and shall comply with such rules and regulations.

Q. Manufactured Home Units

1. The manufactured home shall be completely skirted within 90 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the manufactured home.
2. Expansions and extensions. Expandable rooms and other extensions to a manufactured home shall be supported on a stand constructed in accordance with construction standards for the manufactured home stand. Skirting shall be required around

the base of all such expansions or extensions.

3. Steps shall be installed at all entrance and exit doors. Such steps shall be constructed of materials intended for permanence, weather resistance and attractiveness and shall be equipped with handrails.
4. All manufactured homes shall be HUD approved.

Subsection 505-7: Requirements for RV Parks

A. RV General:

1. Each RV Park shall be marked off into RV lots.
2. The total number of RV lots in such park shall not exceed 12 per gross acre.
3. Each RV lot shall have a total area of not less than 2,500 square feet with a minimum dimension of 30 feet.
4. Only 1 RV shall be permitted to occupy any 1 RV lot.
5. No RV shall be parked or otherwise located nearer than a distance of:
 - a. 20 feet from an adjacent RV in any direction.
 - b. 50 feet from an adjacent property line.
 - c. 50 feet from the right-of-way line of a public street or highway.
 - d. 10 feet from the nearest edge of any roadway located within the park.

B. RV Stand:

1. Each RV lot shall have a RV stand which will provide for the practical placement on, and removal from the lot of the RV, and the retention of the RV on the lot in a stable condition.
2. The stand shall be constructed of an appropriate material which is durable, compacted, and adequate for the support of the maximum anticipated loads.
3. The stand shall be suitably graded to permit rapid surface drainage.

C. Accessibility:

1. Each RV Park shall be easily accessible from an existing public highway, road or street.
2. Where a RV Park has more than 16 RVs, 2 points of access shall be provided, but in no instance shall the number of entry and exit points exceed 4 on any 1 highway.
3. Construction of any entrance road shall not commence until approval of the Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation is obtained.

4. Such access points shall be designed and strategically located for the safe and convenient movement into and out of the RV Park, and to minimize friction with the free movement of traffic on a public highway, road or street.
5. All entrances and exits shall be at right angles to the existing public highway, road or street or as approved by the applicable authority (Town Highway Superintendent, County Highway Superintendent, or New York State Department of Transportation).
6. All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway, road or street.
7. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with RV attached.
8. All exits, except the main exit, may be closed in such a manner so as to be readily opened and available for exit if an emergency should arise.
9. RV Park owners shall be responsible for providing stop signs at all exits from the park. All signs must be Department of Transportation approved.
10. All streets or roads within such park shall be named and signs erected, and shall be registered with the Fulton County 911 Coordinator.

D. Streets

1. Each RV Park shall have approved streets to provide for the convenient access to all RV lots and other important facilities within the park.
2. The street systems shall be so designed to permit the safe and convenient vehicular circulation within the park.
3. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
4. All streets shall have the following minimum widths:
 - a. One-way traffic movement: 18 foot roadbed.
 - b. Two-way traffic movement: 28 foot roadbed
5. Except in cases of emergency, no parking shall be allowed on such streets.
6. Streets within the park shall be graded and properly ditched to provide efficient drainage to prevent erosion and deterioration of park roadways.

E. Driveway

Each RV lot shall be provided an improved driveway which protrudes above the surrounding area. This driveway shall have a minimum width of 9 feet.

F. Parking:

One off-street parking space shall be provided on each RV lot. The parking space shall be of similar construction and grading as the driveway or pad. Such space shall have a minimum width of 9 feet and a minimum length of 20 feet.

G. Utilities and Service Facilities:

Utilities and service facilities shall be provided in each RV Park which shall be in accordance with the regulations and requirements of the New York State Department of Health and the New York State Department of Environmental Conservation.

H. Open Space:

Each RV Park shall provide common open space for the use by occupants of such park. Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least 10 percent of the gross land area of the park.

I. Landscaping:

1. Lawn and ground cover shall be provided on those areas not used for the placement of RVs and other buildings, walkways, roads, and parking areas.
2. Planting shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade and a suitable setting for the RV's and other facilities.
3. Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities: other nonresidential uses, garbage storage and collection areas, and all abutting yards of adjacent properties.
4. Other planting shall be provided along those areas within the park which front upon existing public highways, roads, and streets to reduce glare and provide pleasant outlooks for the RV units, and neighboring property owners.

Subsection 505-8: Park Owner Responsibilities and Restrictions

The person to whom a permit for a Manufactured Home Park or RV Park is issued shall operate the park in compliance with this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.

Subsection 505-9: Inspection

- A. This article shall be enforced by the Code Enforcement Officer and the New York State

Department of Health. Said officers and their inspectors shall be authorized and have the right in the performance of duties to enter any Manufactured Home Park or RV Park and make such inspections as are necessary to determine satisfactory compliance with this article and regulations issued hereunder. Such entrance and inspections shall be accomplished at reasonable times, after prior notice to the park operator and, in emergencies, whenever necessary to protect the public interest.

B. Owners, agents or operators of a Manufactured Home Park or RV Park shall be responsible for providing access to all parts of the premises within their control to the Code Enforcement Officer or to his or her agents acting in accordance with the provisions of this section.

C. It shall be the duty of the Code Enforcement Officer to make necessary inspections required every year for renewal of permits, to investigate all complaints made under this section, and to request the Town Board to take appropriate legal action on all violations.

Subsection 505-10: Enforcement

A. Orders. Upon determination by the Code Enforcement Officer that there has been a violation of any provision of this section, he shall serve upon the holder of the permit for such Manufactured Home Park or RV Park an initial order, in writing and by registered mail, directing that the conditions therein specified be corrected. The order shall contain an outline of remedial action which, if taken, will effect compliance and specify the number of days within which such remedial action is to be completed.

B. Notices. If the violations are not corrected within the period of time specified in the order, the Code Enforcement Officer shall serve a notice, in writing, upon such Manufactured Home Park or RV Park operator requiring the holder of the permit to appear before the Town Board to show cause why the Manufactured Home Park or RV Park permit should not be revoked. Such hearing before the Town Board shall occur not less than 48 hours nor more than 30 days after the date of service of said notice.

C. Hearings. Within 30 days after the hearing at which the testimony and witnesses of the Code Enforcement Officer and the Manufactured Home Park or RV Park permit holder shall be heard, the Town Board shall make a determination, in writing, sustaining, modifying or withdrawing the order issued by the Code Enforcement Officer. Failure to abide by any Town Board determination to sustain or modify the initial order of the Code Enforcement Officer and to take corrective action accordingly shall be cause for the revocation of the Manufactured Home Park or RV Park permit affected by such order and determination.

Section 506:- Animal Regulations:

A. Notwithstanding the provisions of section 301 hereof relating to allowed uses in zoning districts, farm animals are allowed to be kept on property within the Town, provided this section is complied with in the manner hereinafter set forth:

1. All animals (except for domestic cats) but including fowl shall be kept in such a manner that they cannot enter adjacent and neighboring property.
2. Farm animals including but not limited to, horses, cows, pigs, goats, sheep, fowl, rabbits and animals of equivalent size and purpose may be kept in the Town upon compliance with the conditions outlined below and in Table 506

- a. Any area of concentrated manure storage (one cubic yard or larger) shall be located a minimum of 150 feet from all wells, streams, property lines and neighboring dwellings, in addition to complying with all other State and Federal regulations.
 - b. Any building housing such animals shall be at least 50 feet from all property lines.
 - c. A permit shall be obtained from the Town Code Enforcement Officer prior to the location of any farm animals on a parcel less than 10 acres.
 - d. When applying for a permit the applicant shall provide a plot plan detailing compliance with all applicable regulations and a description of how the manure will be stored and disposed of.
 - e. For purposes of this section contiguous parcels under common ownership shall be considered one parcel.
 - f. Any structure housing farm animals must be a minimum of 100 feet from any existing dwelling on adjacent property.
3. The owners of parcels which are not in compliance with subparagraph one hereinabove on the effective date of this local law shall have 90 days from such effective date in which to comply with same.
 4. Parcels with animals which are not in compliance with subparagraph 2 hereinabove prior to the effective date of this local law shall be deemed non-conforming and not in violation of this section, provided that there is no increase the number of animals on such parcels after the effective date hereof.

Table 506: Maximum Number of Allowed Farm Animals Units/Parcel

Table:506 *			
<u>Description</u>	Cows and Horses	Sheep, Alpacas, Llamas, Miniature Horses, Pigs and Goats	Fowl, Rabbits
<u>Unit Equivalents</u>	Large Animals Unit= 1 of above	Medium Animals Unit = 4 of the above	Small Animals Unit =20 of the above
<u>Unit / Acreage Comparison Data</u>			
	<u>Parcel Size Acres</u>	<u>Allowed Animal Units Per Parcel</u>	
	1	0	
	2	0	
	3	1	
	4	2	
	5	3	
	6	4	
	7	5	
	8	6	
	9	7	
	10	8	
	≥10	No Limit	

- *Animal units can be split and combined such as: 2 sheep and 10 chickens would equal one animal unit
- * Parcels greater than or equal to 10 acres are not subject to animal unit restrictions.
- *Unless otherwise noted, Farm animals are not permitted on parcels less than 3 acres in size.
- * Farm animals not listed in the above chart will be assigned to one of the above categories based on their similarity to their mature size as compared to that of those listed.
- *No roosters are permitted on parcels less than 10 acres
- *In any zoning district other than an L-1 or L-2 where a parcel size is 1 acre and less than 3 acres 12 chickens may be kept.
- *Four rabbits may be kept on any parcel within the Town as pets.
- * No farm animals are allowed in L-1 and L-2 districts unless otherwise noted.

Section 507: Excavations for Soil Mining

Notwithstanding the provisions of section 301 herein relating to allowed uses in zoning districts excavation for the purpose of soil mining such as gravel pits, quarrying or any subsoil removal shall be allowed only by special use permit and shall be subject to any and all applicable New York State and/or federal regulations under the following regulations:

- A. Site map. Before a special use permit is issued, the applicant shall submit to the Planning Board 10 copies of a map with a scale of one inch equal to not more than 100 feet showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers, if any, and names of the landowners. Such map shall also show the present topography at two-foot contour intervals. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.
- B. Excavation plan. The applicant shall also submit to the Planning Board 10 copies of the proposed plan of excavation, at the same scale as above, showing the proposed finished elevations at one-foot contour intervals and the proposed drainage plan.
- C. Prohibited machinery- no cement, asphalt plant or chemical process for treating the product of such excavation shall be permitted.
- D. Finished grading. The proposed finished grading plan shall show the land to be smooth graded and topsoil re-spread to a minimum depth of four inches. Slope shall not exceed the normal angle of repose of the material removed.
- E. A berm as required and specified by DEC shall be installed around the perimeter of the site.
- F. Length of permit. The special permit for excavation operations or soil mining shall be granted for a period that matches the DEC permit duration in effect at the time of issuance.
- G. Fees. Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Planning Board together with the special use permit, upon the payment of a fee in accordance with the schedule of fees as promulgated from time to time by the Town Board to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil-mining operation.

Section 508 Solar Farms

Subsection 508-1: Applicability:

The standards found in this section are applicable to “Solar Farms” as herin defined and shall not be construed to include, so as to prohibit or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for a residential property. The term “Solar Farm” shall also not be construed in such a way as to prohibit the installation or mounting of a series of one (1) or more solar collectors upon the roofs of residential and/or commercial structures regardless of whether the said series has a nameplate generation of 15 kilowatts (kW) direct (dc) or more when operating at maximum efficiency.

Subsection 508-2: Application Information.

- A. Blueprints or drawings of the solar photovoltaic installation signed by a licensed Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
- B. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
- C. A description of the solar farm facility and the technical, economic and other reasons for the proposed location and design shall be prepared and signed by a licensed professional engineer.
- D. Confirmation prepared and signed by a licensed professional engineer that the solar farm complies with all applicable Federal and State standards.
- E. One or three line electrical diagram detailing the solar farm layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over-current devices.
- F. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter
- G. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- H. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to nearby properties.

Subsection 508-3: Minimum Requirements:

In any district which will require a Special Use Permit for a Solar Farm, the development shall conform to the following standards which shall be regarded as minimum requirements:

Solar Farms of less than 26 (kW) shall be on a parcel of not less than five (5) acres, otherwise a

minimum of (10) acre parcel shall be required.

- A. All ground-mounted panels shall not exceed twelve (12) feet in height.
- B. All mechanical equipment on a Solar Farm, including any structure for batteries or storage cells, are completely enclosed by a minimum 8' high fence with a self-locking gate.
- C. The total surface area of all ground-mounted and freestanding solar collectors, including solar voltaic cells, panels and arrays, shall not exceed 80% of the total parcel area.
- D. The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.
- E. Because of neighborhood characteristics and topography, the planning board shall examine the proposed location on a case by case basis. Ensuring the potential impact to its residents, business or traffic are not a detriment.
- F. All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings, as well as streets and rights-of-way.
- G. All onsite utility and transmission lines are, to the extent feasible, placed underground.
- H. The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations and at intervals along the perimeter fencing.
- I. The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
- J. All solar energy system components shall have a 50 foot setback, unless abutting residential uses. Whereby it shall be located a minimum of 200' from property lines.
- K. Solar modular panels shall not contain hazardous materials.
- L. All appurtenant structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
- M. Lighting of "Solar Farms" shall be consistent with State and federal law. Lighting of appurtenant structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- N. There shall be no signs except announcement signs, such as "no trespassing signs or any signs required to warn of danger". A sign is required that identifies the owner and operator with an emergency telephone number where the owner and operator can be reached on a 24-hour basis.

- O. There shall be a minimum of one (1) parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.

Subsection 508-4: Additional Conditions:

- A. The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar farm facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. No solar farm shall be approved or constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar farm owner's or operator's intent to install an interconnected customer-owned generator.
- C. A solar farm owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar farm and any access road(s), unless accepted as a public way.
- D. A valid performance bond assigned to the Town of Mayfield for 10 acre systems with dates and monetary amounts to be determined by the planning board for decommissioning purposes.

Section 508-5: Decommissioning/Removal:

- A. Decommissioning/Removal. All applications for a solar farm shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. Prior to removal of the solar farm, a permit for removal activities shall be obtained from the Code Enforcement Department. The Decommissioning Plan shall include the following provisions:
- B. The owner, operator, his successors in interest shall remove any ground-mounted solar collectors which have reached the end of their useful life or have been abandoned. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Town Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.
- C. Physical removal of all ground-mounted solar collectors, structures, equipment, security barriers and transmission lines from the site.
- D. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

- E. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- F. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, the solar farm shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the solar farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

- G. Estimate and Financial Surety. In addition to the Decommissioning Plan, the applicant shall also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar farm at issue. In the event the Planning Board grants a Special Use Permit pursuant to this Chapter, it must also establish the amount of such surety to be established by the applicant prior to building permit issuance. The surety may be in the form of escrowed funds, bonds or otherwise, but it is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations and restore landscaping consistent with Section F above, in the event the applicant fails to comply with its decommissioning obligations.

ARTICLE VI: OFF-STREET PARKING AND LOADING

Section 601: Off-Street Parking and Loading

A. Off-street parking shall be required for all buildings constructed after the effective date hereof. Each off-street space shall consist of at least 180 square feet with a minimum width of 10 feet and a minimum length of 18 feet. Handicap parking spaces shall comply with New York State Building Code Section and ANSI Standards. Parking requirements for specific uses are identified in Section 603 Schedule C hereunder.

Section 602: Accessible Entrances

1. Required. At least 50 percent but not less than one entrance to each building and structure, and each separate tenant space within the building or structure, shall comply with the accessible route provisions of this local law.
2. Multiple accessible entrances. Where a building or facility has entrances that normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, tunnels or elevated walkways, or accessible interior vertical access, then at least one of the entrances serving each such function shall comply with the accessible route provisions of this local law.

Table: 602.1 ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

Section 603: Parking**Schedule C Required Spaces:**

USE	MINIMUM SPACES REQUIRED
Dwellings	1 space per dwelling unit
Golf Course	4 spaces per hole
Condominiums, and Cooperatives, Garden Apartments	2 spaces per dwelling unit
Church or other	Greater of 1 space per 5 seats in the main assembly room or Places of Worship or 1 space per 12 foot of bench length
Bed and Breakfast	1 space per guest room plus 2 spaces per permanent resident
Nursing or Convalescent	1 space per 6 patients plus 1 space per employee on largest working shift Day Care Center
Hotel/Motel	1 space per room plus 1 space per employee working during the shift of largest employment.
Private Club or Lodge	1 space per 50 square feet of assembly area
Veterinary Hospital	1 space for every doctor and 1 space for every employee working the shift of the greatest employment, plus 1 space per 100 square feet of office area.
Repair Garage	4 parking spaces plus 2 spaces for each service stall and 1 space for each employee working during the shift of greatest employment.
Bank or Financial	1 space per 250 square feet of gross floor area plus 2 spaces per teller station within the bank
Restaurant or Tavern	1 space per 25 square feet of floor area or 1 space per 3 seats, whichever is greater plus 1 space
Laundromat	3 spaces for each 200 square feet used by the general public.
Funeral Home	1 space per 50 square feet of floor area in the public rooms, plus 1 space for each vehicle maintained on the premises plus 1 space per each employee.
Professional or Business Offices,	1 space per 200 square feet of floor area
Franchise Automobile, Boat or Trailer Sales and Service Establishment	1 space per each employee, 1 space for every 200 square feet of useable floor area of sales and 1 space for each auto-service stall in the Service room
Convenience Store	1 space per 100 square feet of detailed floor area plus 1 space per employee working during the shift of greatest employment
Shopping Centers	1 space for each 100 square feet of useable floor area for the first Including Mini Mall 15,000 square feet; 1 space for each 125 square feet for all floor area in excess of 15,000 square feet.
Private Club or Lodge	1 space per 50 square feet of assembly area
Drive-in Service	1 space for each employee on the largest shift plus sufficient area for four stacking spaces for the first drive-in window and 4 stacking spaces for each additional window
Day Care Center	1 space per staff member plus 1 space per 5 students
Lumber, Feed, Fuel Sales and Storage	1 space per each 500 square feet of floor area plus 1 space for each employee working during the shift of greatest employment.
Manufacturing Facilities	One space for each 1.5 employees computed on the basis of combined employment of the largest and second largest shifts, or 1 space for each 1,000 square feet of gross floor area used for manufacturing plus 1 space for each company owned truck or vehicle plus 1 visitor parking space for each 1,000 square feet of office space, whichever is greater
Stores or Service Centers	1 space per 250 square feet of sales floor area

For uses not specified, the Planning Board shall establish parking requirements in specific cases consistent with those specified on Schedule C.

A. For any building having more than 1 use, parking space shall be provided as required for each use.

- B. Parking spaces required in R-1, R-2, L-1 and L-2 districts should preferably be located in the side or rear yard on the same lot or tract as the principal use.
- C. For the purpose of computing parking requirements, floor area shall be the sum of the horizontal areas within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
- D. Off-street parking facilities for more than 5 vehicles shall be effectively screened on each side which adjoins or faces a parcel in any R-1, R-2, L-1 and L-2 district.

Section 604: Off-Street Loading

- A. At least 1 off-street loading facility shall be provided for each commercial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. Space for off-street loading shall be in addition to space for off-street parking. Any manufacturing establishment is to be provided with off-street loading facilities. The number of facilities shall be determined by the Planning Board during the site plan review process. Space for off-street loading shall be in addition to space for off-street parking.
- B. Each facility shall be subject to the following minimum requirements:
 - 1. Each off-street loading facility shall not be less than 12 feet wide, 55 feet long and 14 feet height when covered.
 - 2. The location of each berth is to be determined by the Planning Board during the site plan review process except no such berth shall be located closer than 200 feet to any lot in any R-1, R-2, L-1 or L-2 Districts unless wholly within a completely enclosed building.

ARTICLE VII: CLUSTER DEVELOPMENT

Section 701: Purpose

A. The purpose of this article is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands in order to provide larger areas of open space, both for recreational and conservational purposes and in order to implement the objectives of this local law.

Section 702: Applicability

This article shall be applicable to all Districts under this local law.

Section 703: Procedure for Establishment

A. The Planning Board may require the owner to make application for or modification of this local law under the provisions of this article, if the requirement is imposed in order to perpetuate the existence of or prevent the despoliation or degradation of environmentally sensitive areas of scenic beauty of significance to the community or historic places, whether on or off the site, when, in the judgment of the Planning Board, such action is a substantial benefit to the community.

B. This article shall apply only to land, which shall be a contiguous parcel, a minimum of five acres in size and a minimum frontage of 500 feet along a street. In addition, it shall be determined by the Planning Board that:

1. Such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity.
2. The proposed development creates a residential environment that is in conformity with the objectives of this article.
3. The application of this procedure shall result in a permitted number of building lots and/or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot area and density requirements of this local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements, including all subdivision requirements for roads, drainage, lot layout and recreation areas.
4. The development would be harmonious with adjacent residential developments, if any exist, and where providing an alternative type or architectural style of housing, would benefit the Town.
5. The development proposal guarantees permanent retention of any open space areas created and ensures the care and maintenance of the same.

Section 704: Permitted Dwelling Units; Site Plan Review Required

In reviewing a plat in accordance with the provisions of this article, the dwelling units permitted may be, at the discretion of the Planning Board, in detached, semidetached or attached structures. Furthermore, the development shall be subject to site plan review under the provisions of this local law.

Section 705: Density

A. In determining the density for cluster development, the Planning Board shall first determine the area for which such density calculation shall be made.

B. The calculation of the area shall not include easements (except environmental easements), existing parks, existing streets or otherwise dedicated land; water areas or wetlands in excess of 5 percent of the minimum gross acreage required for the proposed number of lots; lands designated on the Mayfield Zoning Map for public purposes; or land undesirable by reason of topography, drainage, slope, flooding or adverse subsoil conditions."

C. Prior to the establishment of the overall density, the Applicant shall provide the Planning Board with a sketch plan of the site showing how it may be subdivided in a conventional manner conforming to the requirements of this local law for that district or districts.

D. As stated herein, the overall density established by the Planning Board shall be no greater than would otherwise be permitted under the provisions of this local law.

E. As part of the Planning Board review of any Cluster Development the Planning Board is authorized to review and approve any deviation from the yard size and lot coverage requirements of this Law without further approval by the Zoning Board of Appeals.

Section 706: Open Space

A. The application of this procedure shall result in the preservation of land on the plat in its natural state for recreational, open space, archaeological or historical resources or other municipal purposes. The Planning Board, as a condition of plat approval, may establish such requirements on the ownership, use and maintenance of such lands, as it deems necessary to assure the preservation of such lands for their intended purposes. The details as to use and ownership shall be recorded by the owner in an appropriate instrument. Such requirements shall be approved by the Town Board prior to final approval and filing of the plat.

B. The open space created by the use of the provisions of this article must be clearly labeled on the subdivision plat as to its use and whether it is to be dedicated to the Town or other governmental body, to an approved private conservation corporation or to an owners' association or otherwise reserved under conditions meeting with Planning Board approval. Such open space is to be preserved in

perpetuity, and the Planning Board may require an open space easement running to the Town as a condition of approval.

C. Owners' Association

1. If the open space or an open space easement therein is not to be dedicated to the Town or other governmental authority or to an approved private conservation corporation, the Applicant must either simultaneously, with the filing of the plat, create an association embracing all property owners within the plat and providing for adequate contributions for maintenance of said open space or otherwise satisfy the Planning Board with regard to the maintenance of said open space.

2. If an owners' association is approved by the Planning Board as the method of maintenance of the open spaces to be preserved, the following must be adhered to:

- a. The owners' association must be established before the lots are sold.
- b. Membership in the owners' association must be mandatory for each lot buyer and any successive buyer or each lot created must be legally required by duly filed covenants and restrictions to pay to the owners' association a yearly fee to be used for maintenance of the open space.
- c. The open space restrictions must remain in perpetuity.
- d. The owners' association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- e. Property owners must pay their pro rata share of the cost, and the assessment levied by the owners' association can become a lien on the property.
- f. The owners' association must be able to adjust the assessment to meet changed needs.
- g. The Applicant shall make a conditional offer of dedication, binding upon the owners' association, for all open space to be conveyed to the owners' association. With such offer to be accepted by the Town, should it so choose, upon the failure of the owners' association to take title to the open space from the applicant or other current owner or upon dissolution of the owners' association at any future time.

D. Uses for open space.

1. The Planning Board may approve uses for open space, and these uses will be clearly indicated on the final plat.

- a. The Planning Board may approve recreational uses, such as wooded park areas, bridle paths or hiking trails.
- b. The Planning Board may approve conservational uses, such as open woodland,

wetlands or farm fields.

- c. The Planning Board may approve cultural uses, such as historic places and buildings, archaeological sites and open spaces which will assure that each of the above cultural uses are adequately protected in the public interest.
2. Areas for active recreation which are to contain substantial improvements, impervious surfaces and other alteration from their natural state shall not constitute open space hereunder.

ARTICLE VIII: NONCONFORMING USES

Section 801: Continuation of Use

A. Any nonconforming use or structure which existed lawfully at the time of enactment of this local law may be continued, subject to the provisions of this article.

Section 802: Nonconforming Use of Land

A. The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this local law. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this local law. A nonconforming use of land shall not be changed to another nonconforming use. If a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not be renewed and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

Section 803: Nonconforming Structures

A. Additions

A nonconforming building shall not be added to or enlarged in any manner greater than 25 percent of the original square footage of the building at the time of the enactment of this local law, unless such Non-conforming building and the use thereof is made to conform to all the regulations of the district which it is located.

B. Alterations and repairs

No structural alterations shall be made to any nonconforming building unless such alterations are required by law; provided, however, that such maintenance and repairs as are required to keep a nonconforming building or structure in sound condition shall be permitted.

C. Changes

A nonconforming building may not be changed except to a conforming use. When so changed, a nonconforming use may not be resumed.

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D Discontinuance

A nonconforming use of a building or structure or a portion other of which is discontinued for a period of 12 consecutive months shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises is located. A use shall be deemed to have been discontinued under any of the following conditions:

1. Vacancy of a nonconforming use building or discontinuance of a nonconforming use for a period of 12 consecutive months.
2. Manifestation of a clear intent on the part of the owner or operator to abandon the nonconforming use.

E. Extension

A nonconforming use may not be extended to any other part of such building.

F. Restoration

A structure devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause to the extent of 50 percent or more of its assessed value at the time of such damage, as adjusted to full value, based upon State Board of Equalization rates, shall not be repaired or rebuilt except by approval of the Board of Appeals.

G. Removal

If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform to the regulations of the district.

H. Validity of permit

Any structure for which a building permit has been lawfully granted and on which the construction has been started and diligently prosecuted before the effective date of this document may be completed.

ARTICLE IX: SITE PLAN REVIEW

Section 901: Purpose

A. The purpose of this article is to allow the proper integration into the community of those uses listed in Allowed Uses in Article III of this local law, which have been determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

1. The objectives of this local law.
2. Their effect on surrounding properties.
3. The ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers.
4. The protection of the health, safety and general welfare of the Town and its citizens.
5. The objectives of the Town Comprehensive Plan.

Section 902: Applicability

A. Uses requiring a site plan review are listed in the zone description of the local law. No building, use or certificate of occupancy permit shall be issued by the Code Enforcement Officer for any use listed, nor shall any building be erected, moved, structurally altered, added to or enlarged and no excavation for any building shall begin until a site plan has been approved by the Planning Board in accordance with this article.

Section 903: Authorization for Site Plan Review

A. In accordance with Section 274-a of the Town Law, the Town Board does hereby authorize the Planning Board to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in this local law. A site plan shall show the arrangement, layout and design of the proposed use of land shown on the plan. Such site plan review shall be made of all development required under the terms of this local law.

Section 904: Application for Site Plan Review Approval; Fee

A. Application for a site plan review shall be submitted to the Town Clerk at least 10 business days in advance of a regularly scheduled Planning Board meeting. A nonrefundable fee shall be submitted with the application, the fee to be established and amended from time to time by the Town Board. Said application shall be on a form provided by the Planning Board and shall contain all of the information desired by said Board to properly conduct its review. Attached to said application shall be 10 copies of a site plan which has been prepared by a licensed engineer, architect or land surveyor. The site plan shall include the following information where applicable:

1. The title of the drawing, including the name and address of the applicant and person responsible for preparing said plan.

2. Both existing and final contours shall be shown. Unless otherwise allowed by the Planning Board, the plan shall be at a scale of 1 inch equals 50 feet, with two-foot contours showing the topography of the parcel within 100 feet of the area under review.
3. North arrow, scale and date.
4. The boundaries of the property plotted to scale. Current zoning classification of property, including exact zoning boundary if in more than 1 district.
5. Existing watercourses and wetlands.
6. A grading and drainage plan, type of construction, proposed use and exterior dimensions of all buildings.
7. The location, design, type of construction, proposed use and exterior dimensions of all buildings.
8. The location and widths of driveways on the site and access to existing roads and highways. Location to nearest intersection of public roads to be provided. Location, design and type of construction of all parking and/or truck loading areas, including access and egress.
9. The location and dimensions for pedestrian access.
10. The location for outdoor storage, if any.
11. The location, design and construction materials of all existing or proposed site improvements, including buildings, drains, culverts, retaining walls and fences.
12. The location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal should be described, including location, design and construction materials, and shall comply with all requirements of the New York State Department of Health and New York State Department of Environmental Conservation.
13. The location of fire and other emergency zones including the location of fire hydrants.
14. The location, design and construction materials of all energy distribution facilities, including electrical, gas and alternate energy.
15. The location, size, design and type of construction of all proposed signs.
16. The location and proposed development of all buffer areas, including existing vegetative cover.
17. The location and design of outdoor lighting facilities.
18. The location and amount of building area proposed for retail sales or similar commercial activity.

19. The general landscaping plan and planting schedule.
20. An estimated project construction schedule.
21. State Environmental Quality Review information and completed forms as may be required.
22. The location, width and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within the adjoining property.
23. A description of all existing deed restrictions or covenants applying to the property.
24. Any other elements integral to the proposed development as deemed necessary by the Planning Board, including identification of any state or county permits required for the project's execution and the existence of any covenants governing the land.
25. A location map, to be prominently provided on first sheet of plans.
26. A signature line, to be provided for the Chairman of the Planning Board.

B. If the Applicant fails to submit sufficient information to the Planning Board, said application will be deemed incomplete and returned to the Applicant. Once an application is determined to be complete, the Planning Board shall set a date for a public hearing. The Planning Board may waive any of the above requirements for good cause at their discretion.

Section 905: Review of Site Plan

A. The Planning Board's review of a site plan shall include, as appropriate, but is not limited to the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
4. Location, arrangement, appearance and sufficiency of off-street parking and loading.
5. Adequacy of storm-water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. 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 retention of existing vegetation.

8. In the case of an apartment complex, townhouses, condominiums, cooperatives or other multiple dwelling, the adequacy of usable open space for recreation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable impacts.
10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
11. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
12. Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
13. Aesthetical compatibility of structures with existing and planned uses of adjacent properties, districts and design standards.
14. Consistency with the Town's Comprehensive Plan.

Section 905-1: Design Standards

A .Introduction

The Town of Mayfield is seeking to improve the appearance and functionality of new projects through the use of design standards in areas of the Town where business development is taking place by encouraging renovation and new development that enhances the overall character of the community. These standards are designed to provide examples and a better understanding of construction options that will support the Comprehensive Plan goal that commercial uses compliment the rustic, natural, outdoor, open air and Adirondack look and feel of the Town. Representative examples of such buildings are included in the appendix of this document.

B. Lighting

Lighting of a site shall provide security and visual interest while not projecting adverse glare onto adjacent properties. On site lighting shall be located to avoid harsh glares which distract motorist's line of sight.

C. Landscaping

When business development takes place landscaping may be used as one method to enhance the rural feel and setting of the Town as well as to screen undesirable views.

D. Building Design

New buildings and renovations shall use building materials, color and textures to create a harmonious design for each site that promotes the Adirondack, rustic, natural and outdoor feel of the Town. Additional consideration shall be given to compatibility with neighboring structures.

a) Materials:

The use of natural material, or an acceptable engineered substitute, is encouraged. These materials include:

1. Wood clapboard siding
2. Wood shakes or shingles
3. Native stone
4. Engineered stone
5. Fiber cement siding
6. Decorative precast concrete
7. Wood board and batten siding
8. Other finish materials that comply with the color guidelines.

b) Color Guidelines:

1. Color shall be used to promote the overall harmonious composition such that color is not used to shock the senses or scream for attention.
2. Color of the exterior of the building shall be composed primarily of earth tones to encourage buildings to blend into the environment.
3. Colors may vary if found to be compatible with surrounding properties.

Section 906: Public Hearing

A. The Planning Board shall fix a time within 62 days from the day the Planning Board determines an application for site plan review to be complete, for a public hearing on the application for site plan approval. A public notice of such hearing shall be published in the Town's official newspaper at least 5 calendar days prior to the date thereof. Within 62 days after such public hearing, the Planning Board shall approve, approve with modifications or disapprove the application for site plan approval. The Planning Board, in conjunction with its approval of any site plan review proposal, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants, in the case of large wind and solar systems and telecommunications towers a performance bond to assure that such facilities are removed once their useful life has been surpassed.

Section 907: Filing of Decision

A. The written decision of the Planning Board on an application for site plan review shall be immediately filed in the office of the Town Clerk and the Town Code Enforcement Officer and a copy thereof mailed to the applicant.

ARTICLE X: SUBDIVISION REGULATIONS

Section 1001: Authority for Plat Approval

By the authority of a resolution of the Town Board of the Town of Mayfield adopted on January 1, 1995, pursuant to the provisions of Section 276 of the Town Law of the State of New York, the Planning Board of the Town of Mayfield is authorized and empowered to approve plats showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the Clerk of the County and to approve, modify or disapprove preliminary and final subdivision plats within the Town of Mayfield located outside the limits of any incorporated village.

Section 1002: Purpose

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that 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 menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for firefighting equipment to buildings. In order that land subdivisions may be made in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Mayfield Land Subdivision Regulations", have been approved by the Planning Board on October 19, 2011.

Section 1003: Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meaning indicated as follows:

A. **Applicant:**

The owner, lessee or contract vendee of land, including the authorized representative of such owner, lessee or contract vendee, who submits a sketch plan, preliminary plat or final plat to the Planning Board for the purposes of subdividing such land.

B. **Boundary Line Adjustment:**

The transfer of land between adjacent separate lots in order to correct legal descriptions or map errors or to alleviate a minor trespass such as the construction of a structure over a property line. Boundary line adjustments are not considered lot line amendments.

C. **Buildable Area:**

The particular dimensional area within a buildable lot or parcel of land on which the proposed structure(s) can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.

D. Buildable Lot:

A lot on which the proposed structures can be located and built within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.

E. Dead End Street or Cul-de-sac:

A street or a portion of a street with only one (1) vehicular traffic outlet.

F. Designated Historic Structure/Site/District:

Any building, structure, site, parcel or district which is officially designated on the National Register of Historic Places, the New York State Register of Historic Places or by the Town of Mayfield.

G. Easements:

The authorization or conveyance of a property right by a property owner to another party to use a designated part of the owner's property for a stated particular purpose or purposes.

H. Engineer or Licensed Professional Engineer:

A person licensed as a professional engineer by the State of New York.

I. Final Plat:

A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations, to be presented to the Planning Board for approval and which if approved may be duly filed or recorded by the applicant in the Office of the County Clerk.

J. Lot Line Amendment:

A modification of lot boundaries in which a portion of one (1) or more lots is added to an adjoining lot without increasing the total number of buildable lots.

K. Monument:

A concrete, stone, or iron pin permanently set into the ground that delineates the corners or sides of individual property boundaries.

L. Official Newspaper:

The newspaper designated by the Town of Mayfield as the official publication for purposes of publishing media notices.

M. Open Space:

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

N. Parcel:

A tract of land which has legally defined boundaries and includes any tract of land which comprises or contains contiguous parcels separately acquired or separately delineated by deed and/or tax map identification but held in common ownership. For purposes of this definition, contiguous parcels shall include those parcels separated by a road or roads but which are held in

common ownership.

O. Plat:

A drawing(s) or map(s) setting forth a proposed layout of lots and proposed streets, if any, and such other information as is required under these Regulations.

P. Pre-Application Conference:

The meeting of the Planning Board at which the Applicant presents a Sketch Plan of a proposed subdivision for purposes of discussing the requirements of these regulations as applied to the proposed subdivision and the feasibility of such project.

Q. Preliminary Plat:

A drawing or drawings clearly marked “Preliminary Plat” prepared in the manner specified in Article VI of these Regulations, showing the layout of a proposed subdivision which complies with, and contains, the information specified in Section 603 of these Regulations.

R. Private Road:

A privately-owned and maintained road that does not require a turnaround and is governed by a shared maintenance agreement among all owners. A private road may serve up to three (3) residences without a private Homeowners Association or more than three (3) residences with a private homeowner’s Association which shall maintain the road. For purposes of this law, a shared driveway is a private road.

S. Sketch Plan:

The sketch or initial drawing of a proposed subdivision for use during the pre-application conference between the applicant and Planning Board regarding the proposed layout of a subdivision.

T. State Environmental Quality Review Act (SEQRA):

Article VIII of the NYS Environmental Conservation Law. The implementing regulations are found in Part 617 of Title 6 of New York’s Codes, Rules and Regulations.

U. Subdivision:

The division of any parcel of land into two (2) or more parcels, lots, plots or sites of land for the purposes of conveyance, transfer of any title interest, improvement, building development or sale, whether or not such division of land creates a street or streets.

1) Major Subdivision:

Any subdivision not classified as a minor subdivision but not limited to a subdivision of five (5) or more lots, or any size subdivisions requiring any new street or extension of municipal facilities.

2) Minor Subdivision:

Any subdivision of a parcel of land:

- a) Into no more than four (4) lots.
- b) All of which front on an existing street.
- c) Which do not involve a new proposed street or extension of municipal facilities.

- d) Which do not adversely affect the development of a parcel or adjoining properties.
- e) Which do not adversely affect the surrounding environment.
- f) Which have not been previously subdivided for a period of five (5) years.

V. Submission Date:

For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board of a sketch plan, preliminary plat or final plat.

W. Surveyor:

A person licensed as a land surveyor by the State of New York.

X. Town Engineer:

The duly designated engineer, or retained consulting engineer, of the Town of Mayfield.

Y. Wetland:

Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act (New York State Environmental Conservation Law Title 1 Section 24-0107), whether or not designated or delineated and/or mapped by the New York State Department of Conservation, any Federal agency or the Town of Mayfield.

Section 1004: Adherence to Procedures

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before a permit for the erection of a structure in such proposed subdivision shall be granted, the sub-divider or his/her duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedures established in this Article.

Section 1005: Pre-Application Review

- A. Prior to the submission of a preliminary plat for subdivision review, any owner or land or his or her duly authorized representative who desires to subdivide his or her property, may contact the Town Code Enforcement Officer and request an appointment with the Planning Board for the purpose of discussing a potential subdivision application. The request to appear before the Planning Board must be made to the Town Code Enforcement Officer at least ten (10) days prior to the Planning Board's regularly scheduled monthly meeting. The Town Code Enforcement Officer will notify the owner or his or her duly authorized representative as to the time, date and place of the next regularly scheduled Planning Board meeting. The Town Code Enforcement Officer must then notify the Planning Board Chairman that a Pre-Application Review request has been made for the next regularly scheduled Planning Board meeting so that the owner or his or her duly authorized representative may be placed on the agenda.
- B. The applicant or his/her duly authorized representative must attend the next regularly scheduled meeting of the Planning Board in order to answer questions and to discuss the requirements of these regulations for lot layouts, street improvements, drainage, sewage, water supply, flood protection, natural resources and availability of existing municipal services as well as any other similar aspects or pertinent information relevant to the proposed subdivision.

- C. At the time of the Pre-Application Review, the Applicant must be able to provide the following information to the Planning Board.
1. The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
 2. The tax map sheet, block and lot numbers.
 3. The location and boundaries of the proposed subdivision in relation to any municipal boundaries.
 4. List the use of all contiguous properties (i.e. vacant, agricultural, residential, commercial, and industrial).
 5. The total acreage of the property to be subdivided.
 6. The number of lots to be created as part of the subdivision proposal.
 7. If there are any roads to be constructed as part of the subdivision proposal, the approximate location must be identified.
 8. The Zoning District and present use of the property.
- D. As part of the Pre-Application review, the Planning Board shall determine the classification of the subdivision based on the definitions of a Minor Subdivision and Major Subdivision found in these regulations. However, even if all of the conditions for a minor subdivision classification are met, the Planning Board may require that a minor subdivision comply with all or certain requirements that have been established for a major subdivision if the Planning Board deems that such requirements are necessary under the circumstances involved for the protection of the health, safety, and general welfare of the public.
- E. Within ten (10) days of the date of the Pre-Application review, the Planning Board shall issue a written response to the Applicant identifying the information the Planning Board wishes to see on a preliminary plat of the proposed subdivision. It is recommended that if the Applicant does not submit a preliminary subdivision plat to the Planning Board within six (6) months after the pre-application review that they contact the Town Code Enforcement Officer to schedule a second Pre-Application Review in order to determine if any additional information is now being required by the Planning Board.
- F. A Pre-Application Review is not mandatory for subdivision proposals in the Town of Mayfield. If an applicant wishes to proceed directly to the submittal of a preliminary subdivision plat, then the procedures outlined in Article V of these regulations will need to be followed for the initial submittal of a subdivision application package to the Town of Mayfield Planning Board.

Section 1006: Professional Preparation of Documents

All preliminary and final subdivision plat drawings that are submitted to the Town of Mayfield Planning Board must be prepared and stamped by a licensed professional engineer or surveyor. Any plat drawings that have not been prepared by a licensed professional engineer or surveyor shall be returned to the Applicant. The scale on all drawings submitted shall not be less than 1 inch equals 100 feet.

Section 1007: Lot Line Adjustments

- A. An applicant may request that the subdivision review process be waived when a proposed property transaction is a lot line adjustment that meets the following criteria:
 1. It would not create an additional lot.
 2. It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.
 3. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
 4. It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.

- B. To request a lot line adjustment waiver, the applicant shall submit a letter signed by the parcel owners, or their duly authorized agents, of both affected parcels. A plat or map of the parcels affected by the proposed adjustment, showing all existing buildings, utilities or other easements or rights-of way of wells and of septic systems. The map shall show the correct lot lines and the location of the proposed new lot line, along with the existing and new setback distances to any existing buildings, wells and septic systems. The map shall have the title “LOT LINE ADJUSTMENT between properties of (name) and (name)”, and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

- C. Upon submission of the letter and map/plat, the Planning Board shall, within 62 days, review the request and issue its approval or denial. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site’s development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents. No public hearing shall be required. If the waiver is granted, the applicant shall file a map with the Fulton County Clerk within 30 days of the approval date. The map shall be signed by the Chairperson of the Town of Mayfield Planning Board. No person shall file plans for any lot line adjustment with the County Clerk without first obtaining the Planning Board Chairperson’s signature on the plans. If the Planning Board denies the request for a lot line adjustment waiver, the applicant may proceed with the review procedures for a minor subdivision as set forth in Article X.

Section 1008: Minor Subdivision Submittal Requirements

- A. In order to have a preliminary plat for a minor subdivision application reviewed by the Town of Mayfield Planning Board, the applicant or his/her duly authorized agent must submit ten (10) copies of the preliminary plat to the Town of Mayfield Code Enforcement Officer at least ten (10) days in advance of a regularly-scheduled monthly Planning Board meeting. The preliminary plat must include the following information:
 1. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.

2. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 250 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.
3. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.
4. The tax map sheet, block and lot number, if available.
5. All available utilities and all existing streets.
6. The proposed pattern of lots including lot width and depth, street layout, recreation areas, systems of drainage, sewer and water supply within the subdivided area.
7. All existing restrictions on the use of land including easements, covenants, and zoning lines. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included.
8. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as described in Article III of this document, and shall be referenced and shown on the plat.
9. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and a note to this effect shall be stated on the plat and signed by a licensed engineer.
10. The proposed subdivision name and the name of the Town and County in which it is located.
11. The date, north arrow, map scale, name and address of record owner and sub-divider.
12. A Short Environmental Assessment Form with Part I completed by the applicant. The Planning Board may require a Full Environmental Assessment Form if circumstances are warranted.
13. It is the policy of this state and this community to conserve protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that farming activities occur within the Town. Such activities may include but not be limited to activities that cause noise, dust and odors.

The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.

Following its review of the preliminary subdivision plat for a minor subdivision, the Town of Mayfield Planning Board shall cause a letter to be forwarded to the applicant or his or her duly authorized representative identifying any additional information or changes the Planning Board wishes to see on the plat before it is submitted to the Planning Board as a final plat.

B. Public Hearing:

Within 62 days from the time the Planning Board determines that a preliminary plat for a proposed subdivision is complete, it shall hold a public hearing on the application. Said hearing shall be advertised in a newspaper of general circulation in the Town at least ten (10) days before such hearing.

C. Decision:

The Planning Board shall, within 62 days from the date the public hearing is closed, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the sub-divider and the

Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the plat.

In the event that the Planning Board approves a subdivision plat, the Applicant or his or her duly authorized representative will be notified in writing of the decision.

In the event of a conditional approval, with or without modification, the Planning Board Chairperson is empowered as the duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. Conditional approval of the plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each.

In the event that the Planning Board disapproves a subdivision plat, the applicant or his or her duly authorized representative will be notified in writing of the reasons for such disapproval.

D. Plat void if revised after approval:

No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Planning Board. In the event that any plat when recorded contains any such changes, the plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

E. Filing of Approved Plat:

Approval of the Plat shall expire within sixty-two (62) days from the date of such approval unless within such sixty-two (62) day period the plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided for in Section 276 of New York State Town Law.

Section 1009: Major Subdivision Submittal Requirements

- A. For a Major Subdivision, an Applicant shall submit twelve (12) copies of the Preliminary Plat together with a Subdivision Application Form, a completed Full EAF Form and such other documents and information as specified below, to the Town Code Enforcement Officer at least ten (10) days prior to a regularly scheduled Planning Board meeting. The Preliminary Plat submission shall be an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances and shall include the following information:

1. The proposed subdivision name; with the Town of Mayfield and Fulton County clearly noted; a true North arrow; scale; the name and address of the record owner, the sub-divider's engineer or surveyor, including his/her license number and seal.

2. The plat must be clearly marked "Preliminary Plat and drawn to a scale not less than 100 feet to the inch showing the proposed lot lines and dimensions of each lot.
3. A summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right of ways, and the acreage devoted to parks, recreational areas and/or open space areas.
4. The name of all owners of record of all adjacent properties.
5. The Zoning District, including the exact boundary lines of the district if more than one (1) district is involved and any proposed changes in the zoning district lines and/or the Zoning Law text that is applicable to the area to be subdivided.
6. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
7. The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features, for the property to be subdivided and all adjacent properties.
8. The location of existing septic systems, wells, culverts and drains on the property and adjacent parcels with pipe sizes, grades and direction of flow and, where applicable, the location and size of existing sewers and water mains.
9. Contours at intervals of five (5) feet or less must be shown, including elevations of existing roads; the approximate grading plan for the site if natural contours are to be changed by more than two (2) feet.
10. The width and location of any streets or public ways within the area to be subdivided, and the width, location, grades and street profiles for all streets or public ways proposed by the applicant.
11. The approximate location of septic systems and wells for each of the parcels or, if applicable, the approximate location and size of any proposed water lines, valves, hydrants and sewer lines.
12. It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value. This disclosure notice is to inform prospective residents that farming activities occur within the Town. Such activities may include but not be limited to activities that cause noise, dust and odors.
13. The location of all utilities.
14. A Storm Water Drainage Plan for the site.
15. Plans and cross sections showing, where applicable, the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase to show conformity with current town road specifications, bridges, culverts, manholes, basins and underground conduits.

The applicant or his/her duly-authorized representative must attend a meeting of the Planning Board to discuss the preliminary plat. The Planning Board shall examine the preliminary plat with the applicant, taking into consideration the arrangement and location of lots, the location and width of streets, the topography of the land, water supply, sewage disposal, drainage, lot sizes, the future development potential of adjoining lands as yet undeveloped and the goals and objectives outlined in the Town of Mayfield's Comprehensive Plan, the requirements of this law and the Town's Zoning Law, as well as Sections 276 and 277 of the Town Law of New York State.

Section 1010: State Environmental Quality Review Act (SEQRA) Coordination

- A. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article VIII of the Environmental Conservation Law and its implementing

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

Section 1011: Public Hearing

- A. The Planning Board shall schedule and hold a public hearing on the preliminary plat within sixty-two (62) days after the plat is determined to be complete by the Planning Board. The public hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Town shall mail a copy of the public hearing notice, by certified mail, to all owners of property which abuts or is adjacent to or situated across an established road from the proposed boundary lines of the property, which is the subject of the hearing and shall also provide notice to such other persons as the Chairperson of the Planning Board may direct. In accordance with Section 239-nn of the General Municipal Law, the Town Clerk shall also send a notice to the clerk of an adjacent municipality for any subdivision plat which is located within 500' of a municipal border. This notice must be given at least ten (10) days prior to the public hearing.

Section 1012: Decision on Preliminary Plat

- A. The Planning Board shall approve, with or without modifications, or disapprove such preliminary plat within sixty-two (62) days of the close of the public hearing. The grounds for any modification that is required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the preliminary plat. A preliminary plat that is approved with modifications shall not be considered an approved subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board for recording upon fulfillment of the requirements of these regulations and the conditions of the approval with modifications, if any. As part of its review of the final subdivision plat, the Planning Board may require additional changes as a result of further studies of the subdivision in final form or as a result of new information obtained during or after the public hearing.

Section 1013: Submission of Final Plat

- A. Within six (6) months from the date the Planning Board approves, with or without modifications, the preliminary plat, the applicant must submit the final plat to the Planning Board. If the applicant fails to submit a final plat within six (6) months, approval of the preliminary plat may be revoked by the Planning Board. The applicant shall be required to submit eight (8) copies of the final plat with supporting material to the Town Code Enforcement Officer at least nine (9) days prior to a regularly scheduled Planning Board meeting. The final plat submission must include the following information:
 - 1. The plat must be clearly marked "Final Plat" and drawn to a scale not less than 100' to the inch showing all of the information and detail required to be shown on the preliminary plat and any modifications required by the Planning Board during the review of the preliminary plat.

2. A final summary table listing the number of lots proposed to be created, the size of each lot, the total acreage of the parcel, the linear feet of streets and acreage devoted to streets and any other right-of-ways and the acreage devoted to parks, recreation areas and/or open space areas.
3. A grading, drainage, and/or erosion control plan as required by the Planning Board.
4. A final landscaping plan and planting schedule.
5. The final design of all proposed on-site septic and water supply facilities as approved and endorsed by the NYS Department of Health.
6. Final construction detail sheets which show the following information:
 - a. Plans and street profiles of the location and a typical section and cross section of street pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable.
 - b. Where steep slopes exist, 2' contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading within 50' of the centerline of all streets.
 - c. Final designs of any bridges, culverts or other such structures.
7. An offer of cession in a form approved by the Planning Board and the Town Attorney of all land included in public right-of-ways, easements and streets not specifically reserved by the applicant.
8. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic systems as required by the public health law and/or the Department of Environmental Conservation of New York State.
9. Deed, easement or other required descriptions and proof of ownership and title insurance of any lands to be ceded to the Town at no cost or expense to the Town.
10. Protective covenants and restrictions in proper form for recording if applicable.
11. Any other information required by the Planning Board during its review of the preliminary plat.

The Planning Board reserves the right to waive any of the above-mentioned final plat submission requirements as it deems appropriate.

Section 1014: Final Plat in Substantial Agreement with Approved Preliminary Plat

- A. When the Planning Board determines that a submitted final plat does not have significant changes, and is in substantial agreement with a preliminary plat approved pursuant to this Article, 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 Board. Upon notification of final approval or conditional approval, with modification, the applicant shall submit at least four (4) copies of the final plat to the Town Code Enforcement Officer as so approved for purposes of signing and filing.

Section 1015: Final Plat not in Substantial Agreement with Approved Preliminary Plat

- A. If the Planning Board determines that a submitted final plat is not in substantial agreement with the approved preliminary plat, the Planning Board may either issue a new determination of significance

and/or require a Draft or Supplemental Environmental Impact Statement, whichever may be appropriate under the circumstances of the SEQR process that was originally conducted on the subdivision proposal. If the Planning Board determines that no further SEQR action is necessary, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of its receipt of the final plat and other required documents as specified in Section 605 above. When the Planning Board or other Lead Agency feels that the original SEQR process needs to be revisited, the requirements for holding a public hearing and issuing a decision on the final plat will be governed by the provisions of Section 276 of the Town Law of New York State.

Within five (5) business days of the Planning Board's decision on a final plat, the applicant or his/her duly-authorized representative will be notified in writing of the Board's decision. If a conditional approval of the final plat is issued by the Planning Board, the letter shall outline the conditions that must be met in order for the Planning Board Chairperson to sign the final plat. A conditional approval of the final plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances for two (2) additional ninety (90) day periods each. Failure of the Planning Board to act within such 62-day period shall constitute approval of the plat.

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Section 1016: Plat Void if Revised after Approval

- A. No changes, erasures, modifications or revisions shall be made to any plat after approval has been given by the Planning Board. In the event that any plat when recorded contains any such changes, the plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

Section 1017: Filing of Approved Plat

- A. Approval of the plat shall expire within sixty-two (62) days from the date of such approval unless within such 62 day period the plat shall have been duly recorded by the owner in the Office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided for in Section 276 of the New York State Town Law.

Section 1018: Hardship

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured provided that such variation will not have the effect of nullifying the intent and purpose of the Town's Comprehensive Plan or the Town's Zoning Law.

ARTICLE XI: SPECIAL USE PERMIT REGULATIONS

Section 1101: Review agency

The Planning Board is hereinafter authorized to review all applications for special use permits outlined in this chapter.

Section 1102: Review procedure

The review of applications for special use permits is divided into two phases: pre-submission conference and application.

A. Pre-submission conference. The Code Enforcement Officer shall refer the applicant for a special use permit to the Planning Board, who shall schedule a pre-submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre-submission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the use's ramifications on the zoning district and neighborhood in which it is proposed.

1. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital.
2. At the pre-submission conference, the applicant shall provide the Planning Board with basic data regarding the proposed special use (10) ten days prior to their next scheduled meeting. At a minimum, the applicant shall provide a map showing the important existing natural and made features in and around the site and a sketch plan showing the major features of the proposals.

B. Application for a special use permit.

1. Following the pre-submission conference, an application for a special use permit may be presented at the next regularly scheduled Planning Board meeting or sooner if deemed appropriate by the Planning Board. The application shall not be accepted for review unless all requirements outlined at the pre-submission conference have been met.
2. The application shall be submitted on forms prescribed by the Planning Board and be accompanied by 10 copies of a site plan (10) ten days prior to their next scheduled meeting. The site plan shall include information drawn from the following checklist and as determined necessary by the Planning Board at the pre-submission conference. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.
3. Application checklist:
 - a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - b) North arrow, scale and date;
 - c) Boundaries of the property plotted to scale;
 - d) Existing watercourses, wetlands and floodplains;
 - e) Grading and drainage plan, showing existing and proposed contours;
 - f) Location, proposed use and height of all buildings;

- g) Locations, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
 - h) Provision for pedestrian access;
 - i) Location of outdoor storage, if any;
 - j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
 - k) Description of the method of sewage disposal and location of design and construction materials of such facilities;
 - l) Description of the method of securing public water and location, design and construction materials of such locations;
 - m) Location of fire and other emergency zones, including the location of fire hydrants;
 - n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
 - o) Location, size and design and construction materials of all proposed signage;
 - p) Location and proposed development of all buffer areas, including indication of existing vegetative cover;
 - q) Location and design of outdoor lighting facilities;
 - r) Designation of the amount of building area proposed for retail sales or similar commercial activity;
 - s) General landscaping plan and planting schedule; and
 - t) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
4. Planning Board review of application for a special use permit. The Planning Board's review of the application for a special use permits shall include, but not be limited to, the following:
- a) Determination of whether the proposal is subject to the State Environmental Quality Review Act.
 - b) Adjacent land uses. The Planning Board shall not approve the special permitted use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
 - c) Zoning regulations. The Planning Board shall not approve the special permitted use unless all requirements of this chapter are met.
 - d) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
 - e) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
 - f) Location, arrangement, appearance and sufficiency of off-street parking and loading.

- g) Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
 - h) Adequacy of storm water and drainage facilities.
 - i) Adequacy of water supply and sewage disposal facilities.
 - j) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - k) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - l) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - m) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
5. Consultant review. The Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Town Highway Superintendent, Town Engineer, and other local and county officials, the New York State Health Department, Department of Environmental Conservation and Department of Transportation.
 6. Referral to the County Planning Board. Prior to taking action on the site plan application, the Planning Board shall refer a copy of the application to the Fulton County Planning Board for its review in accordance with § 239-m of the General Municipal Law.
 7. Public hearing and notice. Prior to taking action on the application for a special use permit, the Planning Board shall conduct a public hearing. Notice of the public hearing shall be published at least 10 days prior to the date of the hearing in a newspaper with general circulation within the Town. The public hearing may be conducted at the same time the application is being reviewed. Additionally, the applicant shall be required to give notice, by certified mail, return receipt requested, of said public hearing, to every real property owner of record within 500 feet of the area for the proposed special permitted use, and to file proof of such notice at or before the public hearing.
 8. Planning Board action on application for a special use permit. Within 60 days of the completion of the public hearing for a special use permit, the Planning Board shall act on it. The Planning Board shall approve, disapprove or approve with modification and/or conditions the application. The Planning Board's action shall be in the form of a written statement to the applicant.
 - a) Upon approval of the application, the Planning Board shall endorse its approval on copies of the approved site plan and provide one copy to the applicant.
 - b) Upon disapproval of the application, the Planning Board shall notify the applicant in writing of its decision and its reasons for disapproval.
 - c)
 - d) Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions

must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on the copies of the modified site plan and provide one copy to the applicant.

- C. Performance guarantee. No certificate of occupancy shall be issued for the approved special permitted use until all improvements shown on the approved site plan are installed.
- D. The fee as set by Town Board resolution for special use permit applications shall accompany such application. The Planning Board may require the applicant to pay for engineering costs incurred by the Town for review, consultation and inspections on behalf of the Town
 - 1. The Planning Board, in conjunction with its approval of any special use permit proposal, may also impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants, in the case of large wind systems and solar farms and telecommunications towers a performance bond to assure that such facilities are removed once their useful life has been surpassed.

ARTICLE XII: ADMINISTRATION AND ENFORCEMENT

Section 1201: Code Enforcement Officer

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A. The provisions of this local law shall be administered and enforced by the Code Enforcement Officer, who shall have the power to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this local law. No building permit or certificate of occupancy required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of this local law or as directed by the Planning Board and/or Board of Appeals under this local law.

Section 1202: Building Permits

A. No building shall be erected, moved, altered, added to or enlarged and no excavation for any building shall be begun unless and until a building permit for such work has been issued by the Code Enforcement Officer. No water supply or sewage disposal system shall be constructed until a building permit for such work has been issued by the Code Enforcement Officer. This permit shall be valid for a period of 1 year from date of issue.

B. Applications for building permits shall be submitted on a form or forms provided by the town Code Enforcement Officer. Each application shall set forth the purpose for which the building is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building and the dimensions of required and proposed yards. The Code Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use and the use of the land are in conformity with the provisions of this local law.

C. Any single residential use storage building, less than 144 sq. feet in size is exempt from the Building Permit requirement.

Section 1203: Certificates of Occupancy

A. A certificate of occupancy is required for any of the following:

1. occupancy and use of a building hereafter erected, altered, moved or extended;
2. change in the use of an existing building;
3. occupancy and use of vacant land, except for any use consisting primarily of forest practices or tilling the soil or similar use; or
4. Change in the use of land, except for any use consisting primarily of forest practices or tiling the soil or similar use.

B. A certificate of occupancy shall be obtained, upon application, from the Code Enforcement Officer. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this local law. The Code Enforcement Officer shall make an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within 10 days from the date of application, Saturdays, Sundays and legal holidays excepted. Failure to make a determination within a reasonable period of time shall be deemed to be disapproval of the application for certification of occupancy.

Section 1204: Penalties for Offenses; Injunctive Relief

A. Any person, whether as owner or lessee, agent or employee, who shall violate any of the provisions of this local law or who fails to comply with any order or regulation made thereunder or who erects, alters, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this local law shall be guilty of an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed 6 months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week of continued violation shall constitute a separate, additional violation.

B. In case any building or structure is erected, constructed, reconstructed, altered, moved, converted or maintained, or any building, structure or land is used in violation of this local law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings in a court of competent jurisdiction to prevent such unlawful erection, construction, reconstruction, alteration, conversion, movement, maintenance or use, to restrain, enjoin, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such building, structure or land.

Section 1205: Special Consulting Fees

A. The Town Board, Planning Board, Board of Appeals or Code Enforcement Officer in meeting their assigned responsibilities may employ consultants, legal counsel, professional engineers and/or inspection services to provide assistance and advice in the review of any application, including on-site investigation, evaluation and inspection; verification of the accuracy of information submitted; evaluation of the adequacy of plans and the sufficiency of submitted reports; study of the impact of proposals upon the resources and environment of the Town; preparation and/or review of environmental impact statements; review of the design and layout of improvements; inspection of installed improvements; and such other services or technical assistance as the board or officer deem necessary for their review of the application.

B. All costs incurred for these special consulting services shall be borne by the Applicant. A deposit shall be required in advance to cover the estimated cost of these services.

- C. The deposit due for the special consulting services deemed to be necessary for the appropriate review of any particular application shall be filed by the Applicant with the Town Clerk by certified check endorsed to the Town of Mayfield. The Town Clerk shall deposit such funds in an escrow account designated with the name of the Applicant and the project for which such funds are deposited. An application shall not be deemed complete until the requirements of this section have been complied with.
- D. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an Applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board or officer that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or officer shall cause the Applicant to deposit additional sums as the board or officer deems necessary or advisable in order to meet such expenses or anticipated expenses.
- E. In the event the Applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board or officer until such monies are deposited.
- F. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees incurred by the Town have been paid and deducted from the account, any balance remaining in the account shall be refunded within 60 days after the Applicant's request.
- G. The review expenses authorized by this section shall be in addition to application or administrative fees required pursuant to other sections of this local law. Monies deposited by Applicants pursuant to this section shall not be used to offset the Town's general expenses and customary professional services for the several boards and officers of the Town, or its general administrative expenses.

ARTICLE XIII: BOARD OF APPEALS

Section 1301: Creation; Membership; Terms

A. A Board of Appeals is hereby established. It shall consist of 5 members, each to serve for a term of 5 years. The term of office of the members of the Board of Appeals and the manner of their appointment shall be in accordance with the provisions of the Town Law. Vacancies occurring in said Board of Appeals shall be filled for such unexpired period only.

Section 1302: Duties, Powers and Functions

A. The Board of Appeals shall have the duties, rights, powers and functions conferred upon it by this local law, the Town Law and any other provisions of law applicable thereto.

Section 1303: Meetings

A. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his absence the Vice Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

Section 1304: Records

A. All decisions of the Board of Appeals shall be in writing, and a copy of each decision shall be sent to the Applicant and to the Code Enforcement Officer. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within 5 business days and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board of Appeals and the findings of fact on which the decision was based. Such findings and reasons shall include specific reference to the applicable standards and criteria where the appeal is for an area or use variance.

Section 1305: Appeals to Board

A. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the Code Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this local law. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of the applicant any matter on which it is required to pass under this local law or to effect any variation in this local law. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.

B. Such appeal shall be taken within 60 days of the date the Code Enforcement Officer's determination is issued to the applicant by filing with the Code Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The Code Enforcement Officer shall forthwith transmit to the Board of Appeals 5 copies of all of the papers constituting the record upon which the action appealed from was taken.

Section 1306: Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would in the Code Enforcement Officer's opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 1307: Enumeration of Specific Powers

A. The Board of Appeals shall have the following powers and duties prescribed by statute and by this local law:

1. Interpretation. On appeal from a determination of the Code Enforcement Officer, to hear and decide any questions where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer involving the interpretation of any provision of this local law.
2. Area Variance.
 - a. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances from the area of dimensional requirements of this local law. In making this determination, the Board of Appeals shall take into consideration the benefits to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall also consider:

- i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
 - iii. Whether the requested area variance is substantial.
 - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- b. The Board of Appeals in the granting of area variances shall grant the minimum variance that it shall deem necessary and adequate and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Use Variance.

- a. The Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant use variances authorizing a use of the land which otherwise would not be allowed. No such use variances shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - i. the Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii. 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;
 - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. that the alleged hardship has not been self-created.
- b. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- c. The Board of Appeals, in the granting of use variances, may require as a condition that the property be subject to a site plan review by the Planning Board.

4. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this local law, and shall be imposed for the purposes of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 1308: Hearing on Appeal

A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and by publication at least once in the official newspaper at least 5 days before the day of hearing, and shall decide the same within 62 days after the final hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

ARTICLE XIV: AMENDMENTS

Section 1401: Initiation of Amendments

- A. The Town Board may from time to time, on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this local law.
- B. The Planning Board may by resolution propose an amendment to the Town Board suggesting a change or repeal of a regulation.

Section 1402: Referrals to Planning Board

- A. All proposed amendments, supplements or changes originating by motion of the Town Board shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within 45 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

Section 1403: Hearings on Proposed Amendments

- A. Before any amendment, supplement or change in the regulations or district boundaries are made, there shall be a public notice and hearing thereon as provided by law. At least ten (10) days' notice of the time and place of such hearing shall be published in the paper of general circulation in the town. At least 10 days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within 500 feet of the following, shall be served personally or by mail by the Town Board upon each person or persons listed below:

1. The property of the housing authority, erecting or owning a housing project authorized under the Public Housing Law, upon the executive director of such housing authority and the chief executive office of the municipality providing a financial assistance thereto.
2. The boundary of a city, village or town, upon the clerk thereof.
3. The boundary of a county, upon the clerk of the Board of Supervisors or other person performing like duties.
4. The boundary of a state park or parkway, up on the Regional State Park Commission having jurisdiction over such state park or parkway.
5. In the case of land within the Adirondack Park, the Adirondack Park Agency.

Section 1404: Adoption of Amendments

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend this local law except as described in Section 1405 hereunder.

Section 1405: Effect of Protest Petition

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged, by the owners of 20 percent or more of the area of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of 4 members of the Town Board.

Section 1406: Periodic Review

Not later than April 30 biannually, beginning in 2020, the Planning Board, in consultation with the Code Enforcement Officer and Board of Appeals, shall reexamine the provisions of this local law and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or general welfare.

ARTICLE XV: APPENDIX

Appendix 1501: Informational Documents

The following information is illustrative in nature and not a mandatory part of this law:

Appendix 1502: Photographs

The following photographs show buildings and building elements that are consider to provide reasonable example of the Adirondack look, style and design of buildings noted in this regulation:











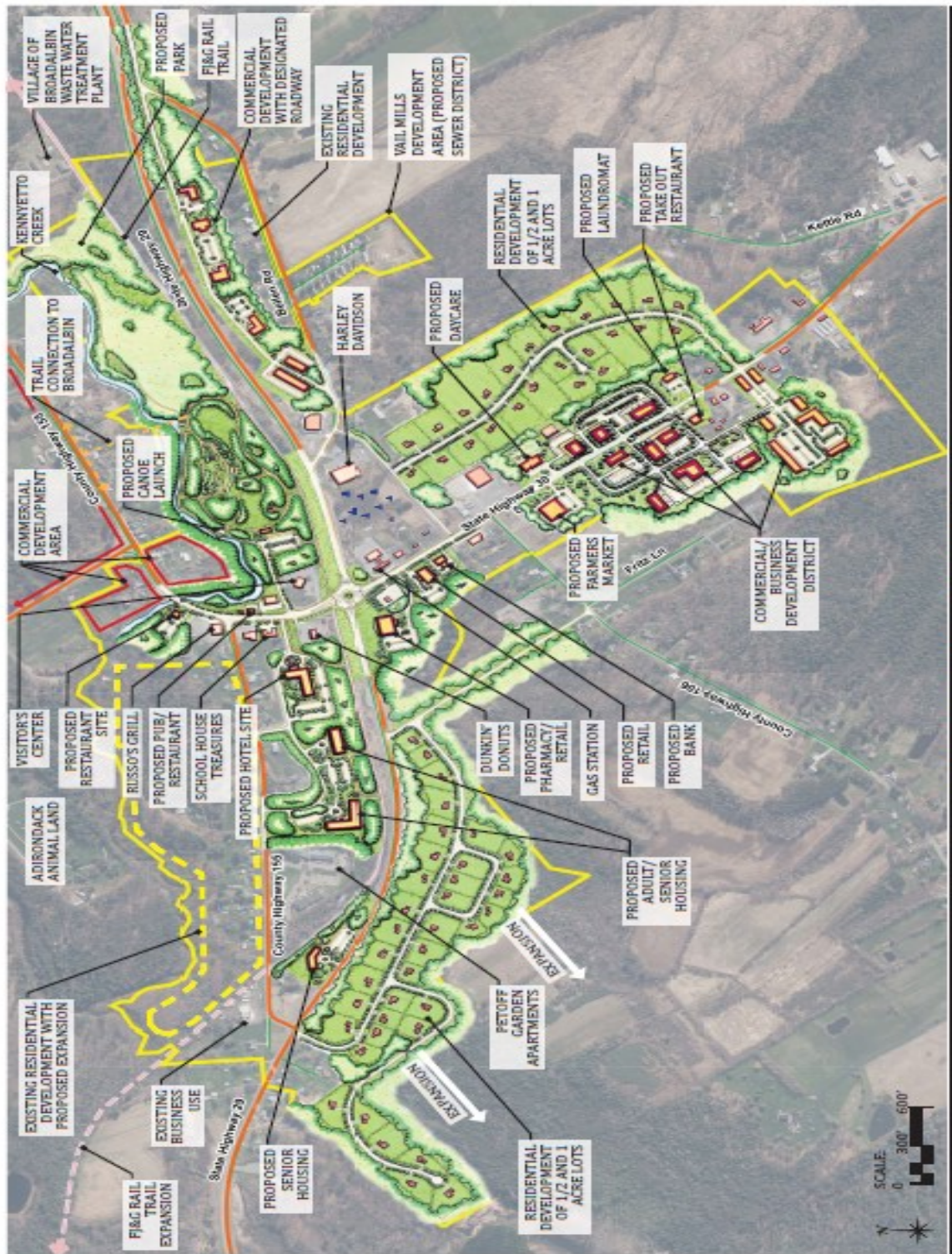








Appendix 1503: Sample Development Plan Vail Mills

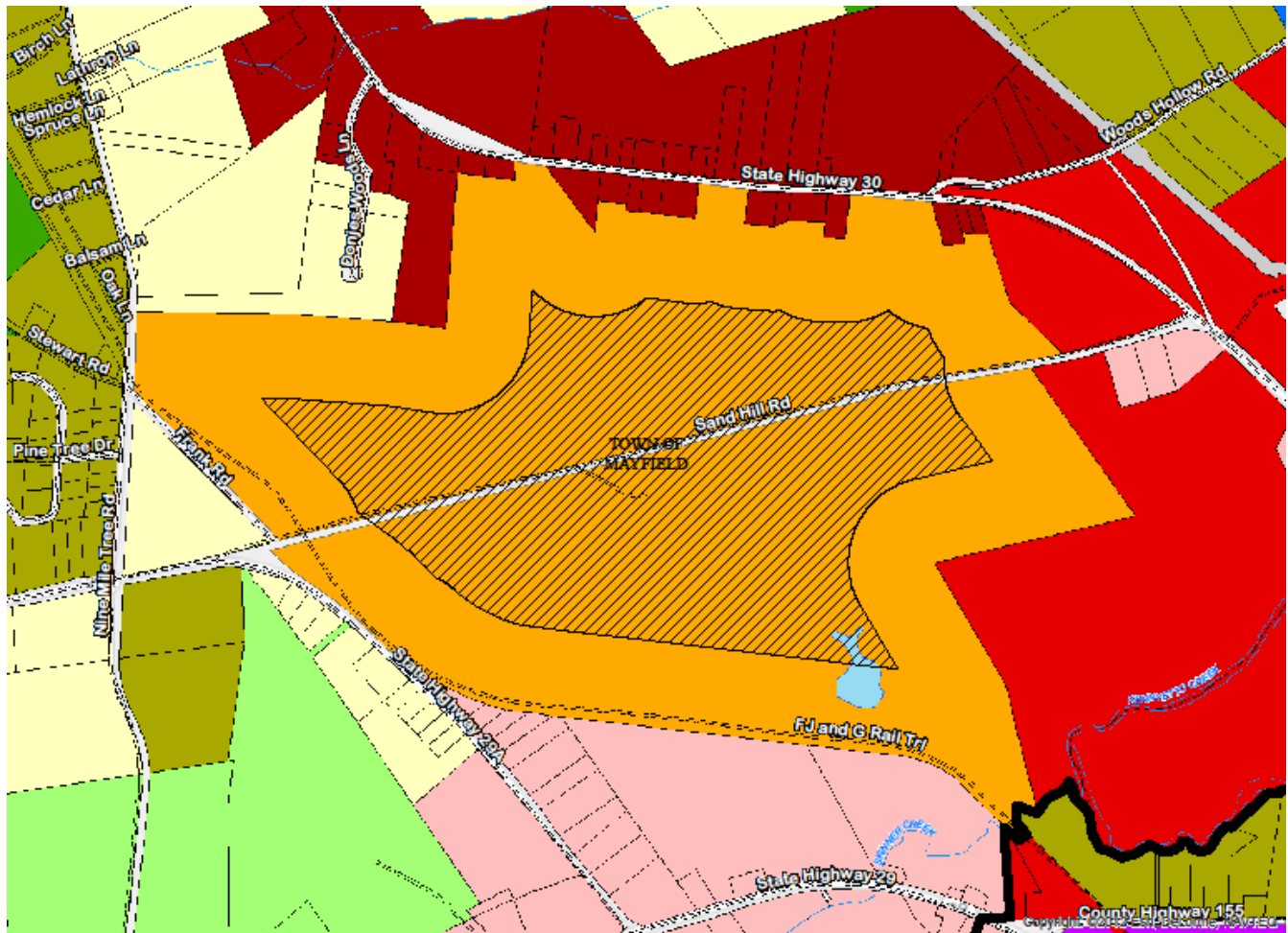


DEVELOPMENT AREA SITE PLAN (ENLARGED AREA)

Vail Mills
Town of Mayfield, Fulton County, New York

Date: November 2016

Appendix 1504 Adult Use Buffer Area Map



Appendix 1505: Aerial Views Vail Mills Development Area:

Roundabout Image



Expanded View Roundabout Image State Highway 30 North



Expanded View Sacandaga Lake Proximity



Roundabout State Highway 29 East View

