

TOWN OF BOONVILLE ZONING LAW

2024

History

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ARTICLE 1: PURPOSE TOWN OF BOONVILLE ZONING

The general and overall intent of this Law is to promote the health, safety, and welfare of the community. Further purposes of this Law are:

1. to maintain and enhance the rural character of the town;
2. to establish a variety of use districts within the town to accommodate a diversity of residential densities and types;
3. to minimize conflicts from incompatible uses;
4. to encourage the most appropriate use of the land based on its natural characteristics;
5. to prevent undue concentration of population and resultant overcrowding of the land;
6. to insure adequate and efficient transportation, water, sewerage, schools, parks, and other service requirements;
7. to lessen congestion in the streets;
8. to secure from fire, flood, panic, and other hazards;
9. to provide adequate light and air;
10. to protect important natural and scenic resource such as lakes, streams, watersheds, wetlands, aquifers, historic sites and agricultural areas; and
11. to preserve the quality of natural resources including air, water, soil, and vegetation;

ARTICLE 2: DEFINITIONS

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by "or intended," "arranged," or "designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company, or organization. Doubt as to the precise meaning of any word used in the Law shall be clarified by the zoning board of appeals under its power of interpretation by appeal.

Above-ground Tank: Any stationary tank which is not entirely covered with earth or other backfill material.

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

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

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use.

Adult Entertainment Uses: An establishment consisting of, including or having the characteristics of any or all of the following:

1. Adult Bookstore—An establishment having as of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. Adult Cabaret—1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; or 2) an establishment that features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. Adult Motion Picture Theater—An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Agriculture: The raising for sale of farm crops, dairy or livestock products, or poultry farms on a parcel of land from which the gross annual sales is greater than \$10,000. Agricultural includes farm structures and storage of agricultural equipment and, as an accessory use, the sale of agricultural products, including woodlot products such as, but not limited to, saw logs, fence posts, firewood, maple syrup, and Christmas trees raised on the property.

Agricultural Equipment Sale, Rental and Service Establishment: Buildings and premises for the sale, rental and servicing of farm machinery or equipment.

Airport/Landing Strip: Any facility for the purpose of engaging aircraft to flight including necessary facilities for the housing and maintenance of aircraft.

Alteration: Any change to a structure which is not merely a repair or replacement of an existing part, or any change which would:

1. enlarge or diminish the livable floor areas of the structure or any part thereof;
2. change the number of dwelling units contained in any structure;
3. cause a change in the location or height of the exterior walls or roof of the structure;
4. Move the structure from one position to another.

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

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield adequate quantities of groundwater to the wells.

Aquifer Recharge Area: The surface and subsurface land areas that collect precipitation or surface water and transmit this water to an aquifer.

Area Variance: See *Variance, Area*.

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

Business Sign: See *Sign, Business*.

Campsite, Recreational: See *Recreational Campsite*.

Cone of Depression: The usually inverted, cone-shaped depression in the water table that occurs due to the pumping of a well. The outermost limits of the cone of depression is a figure, generally circular in shape, defined by the point(s) where the elevation of the water table is no longer affected by the pumping of the well; also, the vertical projection of that figure onto the land surface.

Commercial Excavation: Any area for the extraction of stone, gravel, sand, topsoil, or mineral deposits for sale.

Coverage, Lot: See *Lot Coverage*.

Day Care Center, Child: Any use defined as a *Child Day Care Center* in Section 390 of Social Services Law.

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

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

Density: The total number of dwelling units proposed divided by the total number of acres within the tract.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive material, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater will remain on the land or water and will not be removed.

Downgradient: Portions of a lot defined by areas of lower land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgradient areas) to areas of lower elevation (downgradient areas). See definition for "upgradient."

Dump: Any area used for disposal by abandonment, dumping, burial, burning, or any other means, and for any other means, and for whatever purpose, or garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, and waste material of any kind. A dump does not include a landfill.

Dwelling Unit: One or more rooms with provisions for complete living, including sanitary and sleeping facilities.

Dwelling, Single Unit: A detached structure, other than a manufactured home or other temporary structure, containing one dwelling unit.

Dwelling, Two Unit: A detached structure, other than a manufactured home or other temporary structure, containing two dwelling units.

Dwelling, Multi-Unit: A structure, or group of structures, containing three or more dwelling units physically connected by a common wall and/or roof.

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage, and transmission facilities; pumping stations; telecommunications facilities, and similar facilities.

Excavation: A cavity in the ground formed by cutting, digging, or scooping, including cellar holes.

Factory Manufactured Buildings: (Modular Buildings). A commercial or residential structure constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, and whereby all portions may not be reasonably inspected at the installation site without disassembly or destruction thereof. The term includes buildings intended or designed for permanent installation, or assembly and permanent installation, on a building site.

Feedlot: A designated area where domestic livestock are confined and managed until slaughter or sale. Domestic livestock shall include pigs, cattle, horses, sheep, chickens, etc.

Fertilized Vegetation: Areas of vegetation being cultivated by humans with the application of fertilizers, pesticides or other substances in order to grow or maintain its existence.

Fertilizer: Any commercially produced mixture that contains phosphorus, nitrogen, and/or potassium which is applied to the ground to increase nutrients to plants.

First Flush: The delivery of a disproportionately large load of accumulated pollutants that are washed from impervious surfaces and the surface of the land during the early part of storms and transported in storm water runoff.

Flood, Base: The flood having a one percent chance of being equaled or exceeded in any given year, also known as a "100-Year Flood."

Floodplain: Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and subject at a minimum to a one percent chance of flooding in any given year. All areas designated as "Special Flood Hazard" zones by the Federal Emergency Management Agency's official map for the town shall be considered as floodplain areas. Further determination of the extent or existence of floodplains shall be based on the best available information, including, but not limited to: U.S. Army Corps of Engineers floodplain studies; USDA Natural Resource Conservation Service studies; and soils, vegetation, hydrologic, and geologic data.

Forestry: Any management, including logging of a forest, woodlot or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences, and forest drainage systems.

Freight Container: A reusable transport and storage unit, fit for moving products and raw materials between locations.

Fuel Depot: Any building, land area, or other premises, or portion thereof, used for the retail or wholesale dispensing or sales of vehicular fuels, where 1000 gallons or more of fuel are stored at any one time on the premises.

Funeral Home: A building used for the preparation of the deceased for burial or cremation, the display of the deceased and ceremonies connected therewith before burial or cremation.

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

Groundwater: All the water found beneath the surface of the land and present in aquifers and aquifer recharge areas.

Hazardous Substance: Any substance listed as a hazardous substance in 6 NYCRR Part 597, List of Hazardous substances, or a mixture thereof.

Hazardous Waste: A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR part 371, Identification and Listing of Hazardous Wastes. Hazardous waste, because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed.

Health Care: A facility or institution principally engaged in providing services by or under the supervision of a physician, or, in the case of a dental dispensary, or a dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition. For the purposes of this Law, a nursing home is considered a health care facility.

Height, Building: The vertical distance measured from the average level of the proposed finished grade across the front of the building to the ridge line of the roof of the structure:

Herbicides: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and being those substances defined as herbicides pursuant to Environmental Conservation Law, Section 33-0101.

Home-Based Business: A nonresidential activity conducted for financial gain that is clearly incidental and secondary to a residential use.

Horticultural Operation: The raising and/or sale of garden and/or ornamental plant materials, annual and perennial plant materials, bedding materials, and similar materials for commercial purposes.

Human Excreta: Human feces and urine.

Impervious Surface: Any man-made material, such as pavement used in parking lots or driveways or any building or other structure on a lot that does not allow surface water to penetrate the soil.

Landfill: Any area for depositing of refuse in a natural or man-made depression or trench, or dumping at ground level, compacting to the smallest practical volume, and covering with earth in a systematic and sanitary manner.

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory structures and uses customarily incident to it, including such open spaces as herein required.

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

Lot Corner: A lot at the junction of and abutting on two or more intersecting roads and having an interior angle at the corner of the intersection of less than 135 degrees.

Lot Coverage: The percentage of the lot area covered by the building area and impervious surfaces.

Lot Frontage: That portion of the lot abutting the road right-of-way. In the case of a lot that abuts more than one road, the owner may designate either road right-of-way as the lot frontage.

Manufacturing: Any process whereby the nature, size, or shape of articles or raw materials is changed; or where articles are assembled.

Manure: Animal feces and urine.

Manufactured Home: (Formally Mobile Home)

A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standard 4/1/93, transportable in one or more sections which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 feet (12 192 body mm) or more in length, or, where erected on site, is 320 square feet (30 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation where connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; The term "Manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "Manufactured home" shall not include any self-propelled recreational vehicle.

Manufactured Home Park: Any area which has been planned for the placement of five (5) or more manufactured homes.

Motor Vehicle Sales: Any area for wholesale or retail sale or exchange of automobiles. This may include a facility for repairs and the preparation of autos for sale.

Motor Vehicle Service Establishment: Buildings and premises wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires and motor vehicles accessories, and/or major mechanical and body work, repair to transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on motor vehicles. No more than three uninspected and/or uninsured motor vehicles and no more than eight motor vehicles total, shall be on the premises at any given time.

Municipal Well: A groundwater well operated by the Municipal Commission of Boonville for the purpose of providing a public water supply.

Natural Vegetation: Existing and naturally occurring indigenous vegetation which grows and is maintained without need of applications of fertilizers, pesticides, or other chemical substances.

Nonconformity: A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law, or conforms to the regulations of the zone in which it was located prior to the amendment of this Law, which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this Law.

Office: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as, accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, lawyers, accountants, real estate brokers, insurance agents, dentists, and physicians. For the purpose of this Law, an office shall not involve manufacturing, fabrications, production processing, assembling, cleaning, testing, repair or storage of materials, goods or products which are physically located on the premises. An office shall not be deemed to include a veterinary hospital.

On-site Consumption: The use of petroleum to heat or cool a residential or nonresidential structure or to operate machinery necessary for agricultural activities. On-site consumption does not include the on-site use of petroleum for processing or manufacturing activities or the sale or distribution of petroleum for or into vehicles, except vehicles used for agricultural operations on that site.

Pest: Any insect, rodent, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism which the Commissioner of Environmental Conservation declares to be a pest as provided by Environmental Conservation Law Section 33-0101.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law Section 33-0101, et seq.

Petroleum: Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy, or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine, or used in the operation of hydraulic equipment. Waste oil which has been reprocessed or re-refined and which is being stored for sale or use as a fuel or lubricant is considered petroleum for purposes of this Law.

PODS (Portable On-Demand Storage): A storage container usually constructed of plywood over steel frames. PODS are generally rented and left in a customer's driveway for the loading of personal and household items to be later stored in a warehouse or delivered to another location. PODS are also utilized for the collection of donations and storage of items during disasters and emergency situation.

Principal Use: An activity or structure in which the activity is conducted, which is the primary intended or designed use of the land and/or structure.

Radioactive Material: Any material in any form that emits radiation spontaneously.

Radiation: Ionizing radiation; that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

Recharge: The addition of water to an aquifer or to a pumping well; also, the amount of water added to an aquifer or a pumping well. Recharge is typically expressed as a rate, e.g., inches per year or gallons per day.

Recreation (Developed): Any form of recreation requiring the building of structures or facilities.

Recreation (Undeveloped): Those forms of recreation which do not require the building of specific structures or facilities.

Recreational Campsite: Any area designated for temporary use by a trailer, vehicle, cabin, or other similar shelter designed and intended for seasonal use.

Recreational Vehicle: Motor vehicle for personal use by the occupants of the household. Examples of recreational vehicles shall include motorcycles, all-terrain vehicles, snowmobiles, and boats. This definition shall not include vehicles for sale or lease.

Religious Institution: A church, synagogue or other place of religious worship, as well as a monastery or other place of religious retreat, which is tax-exempt and incorporated.

Repair Service Establishment: Any building containing no more than 1,000 square feet of net floor area wherein the primary occupation is the repair and general service of common household appliances such as musical instruments, sewing machines, bicycles, televisions and radios, washing machines, vacuum cleaners, power tools, refrigerators, and lawnmowers or other small engines; or any building wherein the primary occupation is interior decorating to include reupholstering and the making of draperies, slipcovers and other similar articles. Repair service establishments shall not include the *use* of more than two vehicles other than passenger cars.

Restaurant: An establishment where food and/or drink is prepared, served and consumed.

Retail/Wholesale Trades: Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale.

Road: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a road; 3) approved by other official action; or 4) shown as a road on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board.

Salvage Operation: An area for the dismantling, storage, or sale as parts, scrap, or salvage, or used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

Secondary Containment: A structure which prevents any materials that have spilled or leaked from primary containment structures such as piping, tanks or other containers, from reaching the land surface or any water body.

Semi-Trailer: A trailer supported in the rear by wheels, has legs to support it when uncoupled and has no front axle. A semi-trailer is usually transported by a coupled road tractor or dolly that supports a large portion of the weight. Different types of semi-trailers are designed to haul different cargo. *Semi-trailer* includes but is not limited to: box or van trailer, curtain side, refrigerator truck, tanker, dry bulk, flatbed, lowboy, car-carrier and side lifter.

Septage: The contents of a septic tank, cesspool, or other individual wastewater treatment works which receives domestic sewage wastes.

Shooting Preserve: A wholly enclosed parcel of land on which domestic game birds or other animals, legally possessed or acquired, are released and taken by shooting pursuant to a license issued to the owner or leaser of said parcel by the New York State Department of Environmental Conservation pursuant to Article 11 of the Environmental Conservation law and/or on which sporting clay activities are conducted.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Business: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

Slope: The degree to which the land is inclined is determined by the ratio of horizontal change in distance to vertical change in height. This may be expressed as a percentage, in degrees, or as a simple ratio.

Sludge: The solid, semi-solid or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent

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

Special Use: See *Use, Special*.

Spill: Any escape of a hazardous substance or petroleum from the primary containers used in the normal course of storage, transfer, processing, or use.

Storage or Shipping Container: A container with strength suitable to withstand shipment, storage, and handling. The container includes but is not limited to reusable steel boxes, intermodal freight containers, corrugated boxes, wooden boxes, crates, and bulk shipping containers, drums or specialized shipping containers.

Storage Vehicle: Any bus, van, travel trailer, semi-trailer, truck trailer, or mobile trailer of any kind used for nonvehicular storage purposes.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. A movable structure without a foundation, attached to skids or other means to assist movement, shall be considered as having a fixed location on the ground if it is in place for six months or more.

Structure, Accessory: See *Accessory Structure*

Structure, Temporary: See *Temporary Structure*.

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

Temporary Structure: A structure without any foundation or footings and that is removed when the designated time frame, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Terrace: A level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building within three feet of the finished grade and not covered by a permanent roof.

Tourist Accommodation: A structure containing rooms other than dwelling units intended to be rented as living quarters for profit to guests.

Trailer: An enclosed container, utility or flatbed that is designed principally for the transport of goods or materials. '

Underground Tank: Any tank completely covered with earth or other backfill material.

Upgradient: Portions of a lot defined by areas of higher land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgrading areas) to areas of lower elevation (downgradient areas). See definition for "downgradient."

Use: The purpose for which land or a building is designed, arranged, intended, or for which it is occupied or maintained.

Use, Accessory: See *Accessory Use*.

Use, Temporary: See *Temporary Use*.

Use, Nonconforming: The use of a structure or land which exists at the time of the enactment of this Law but does not conform to the regulations of the district in which it is situated.

Use, Permitted: A use specifically allowed in a particular land use district.

Use, Principal: See *Principal Use*.

Use, Special: A use of land as designated by this Law, which requires a review and approval by the planning board prior to the issuance of a zoning permit by the enforcement officer.

Use Variance: See *Variance, Use*.

Variance: A departure authorized by the zoning board of appeals from the terms of this Law where such variance will not be contrary to the public interest. Criteria for evaluation of an application for a variance are described in Sections 13.6 and 13.7 of these Laws.

Variance, Area: The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of this Law.

Variance, Use: The authorization by the zoning board of appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by this Law.

Vehicle, Recreational: See *Recreational Vehicle*.

Veterinary Hospital: A facility rendering surgical and medical treatment to animals and having no limitations on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital.

Wayside Stand: A temporary structure, generally seasonal in use, designed for the display and sale of agricultural products grown on the same premises as the stand.

Welding Shop: Buildings and premises wherein the primary use is welding or cutting utilizing an oily-fuel gas and/or an electric arc system.

Wetland: Any area where water is at or near the surface of the ground each year, thus promoting the formation of hydric, soils or hydrophytes (plants).

Wind Power Generating Facility, Minor: Wind generating facilities which generate original power on-site as an accessory use, that are erected and used for on-site private use.

Yard, Front: An open space on the same lot with the principal structure or use, between the front line of the building and the lot frontage extending the full width of the lot at the road.

Yard, Rear: An open space on the same lot with the principal structure or use between the rear line of the building and the rear lot line extending the full width of the lot.

Yard, Side: An open space on the same lot with the principal structure or use between the side line of the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

Zone of Contribution: The surface and subsurface land area surrounding a pumping municipal well that supplies direct recharge to the well.

ARTICLE 3: GENERAL REGULATIONS

Section 3.1 Reduction of Yard and Lot Area

The minimum yards required by this Law shall not be encroached upon or considered as yard requirements for any other use. No lot shall be reduced below the district requirements of this Law.

Section 3.2 Corner Lots

On a corner lot in any district where a front yard is required, a yard shall be provided on each side equal in depth to, the required front yard on such roads. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a zoning permit.

Section 3.3 Visibility at Road Intersections and Road Entrances

1. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure of planting shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting road 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.
2. No fence, wall, hedge, or other structure shall be erected, placed or maintained so as to obstruct visibility of vehicles entering public roadways.

Section 3.4 Front Yard Exceptions

The front yard of all buildings and structures hereafter constructed within a Residential-Suburban District shall be not less than the average front yard of all buildings 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.

Section 3.5 Transition Yard Requirements

1. Where two districts abut on the same road between two intersecting roads, 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 restrictive district.
3. Where the side yard of a lot in any district abuts a side yard in the RR district, the side yard requirement shall be that of the least restrictive district.

Section 3.6 Projecting Architectural Features, Terraces, Porches, Fire Escapes

1. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six feet in height.
2. In determining the percentage of building coverage or the size of yards for the purpose of this Law, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

Section 3.7 Additional Height Requirements

The height limitations of this Law shall not apply to belfries, church spires, farm silos, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flagpoles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.

Section 3.8 Accessory Structures

1. **Number:** There shall be not more than two accessory buildings on each lot intended or used for residential purposes. In the Agriculture-Rural District, accessory buildings used in conjunction with an agricultural or horticultural use will not be limited to two. Agricultural or horticultural accessory buildings shall comply with front and side yard requirements for the principal building to which it is accessory and shall not be closer to any rear property line than twelve (12) feet.
2. **Height:** Maximum height of accessory buildings shall be 25 feet.
3. **Attached Accessory Buildings:** When an accessory building is attached to the principal building, it shall comply in all respects with the minimum yard dimension requirements of this Law applicable to the principal building.
4. **For Solar System applications:** [Refer to Article 10]
5. **Unattached Accessory Buildings in all Districts:** Accessory buildings which are not attached to a principal building may be erected in accordance with the following requirements:
 - a. Rear Yard and/or side yard; Twelve (12) feet setback from lot lines;
 - b. Front Yard setbacks as specified for principal building;
 - c. Corner lots Road side or corner side Same as principal building; and
 - d. Not closer than 12 ft to a principal building.
6. **Commercial-Light Industrial District:** Non-dwelling accessory buildings shall comply with front and side yard requirements for the principal building to which they accessory and shall be not closer to any rear property line than twelve (12) feet.
7. **Minor Wind Power Generating Facilities:** Such facilities shall require a special use permit and meet the following conditions:
 - a. setback from road right-of-way line: minimum of 50 feet plus the height of the structure including rotor radius;
 - b. setback from side and rear lot lines: minimum of 10 feet plus the height of the structure including rotor radius;
 - c. height: 100 feet maximum excluding rotor radius;
 - d. applications shall be accompanied by an illustration of the completed tower; and
 - e. such facilities shall be limited to one tower per parcel in R-S and RR zones.
8. **Fences:** Fences shall not exceed six feet in height, shall not be placed within a road right-of-way, and shall comply with the visibility requirements of Section 3.3 above.

Section 3.9 Extraction of Natural Products

In the Residential Suburban and Industrial Districts, the removal of sod, loam, sand, gravel, or quarried stone for sale shall be permitted only when incidental to, or in connection with, the construction of a building and only on special written approval of the town board upon recommendation of the planning board.

Section 3.10 [Reserved]

Section 3.11 Salvage Operations

1. No person shall own or operate a salvage operation unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a site plan approval, and shall be granted coincident to the final approval of a site plan. Any existing salvage operation within the town on August 1, 1999 shall be required to comply with the provisions of this section, although an initial site plan approval shall not be required. Site plan approval shall be required for all salvage operations which expand in size or area, or add additional structures.
2. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on July 31, annually. The license shall be displayed conspicuously at all times at the site of the salvage operation.
3. Prior to license renewal, the salvage operation shall be inspected by the enforcement officer. Such license shall not be renewed until certified by the enforcement officer as operating in compliance with 1) all New York State laws, rules, and regulations governing salvage operations, and 2) all site plans, conditions and approvals granted by the town. The license holder shall provide acceptable evidence to the enforcement officer that the salvage operation is being operated in compliance with New York State law, rules and regulations.
4. The enforcement officer shall not enter the premises of any private property without the consent of the license holder. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal. Refusal to allow the enforcement officer to enter the premises for the purpose of inspection shall be cause for the denial of an unapproved license, or the revocation of an approved license by the town board.
5. The town board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a hearing shall be held by the town board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least five days prior to the hearing. At the hearing the town board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the town board decide to revoke a license, the reasons for such revocation shall be stated in the town board minutes. The license holder shall be immediately notified of the revocation by certified mail.
6. Should any salvage operation license be revoked or fail to be renewed, the license holder shall cease and desist from operating a salvage operation and shall remove all salvage materials and temporary structures from the premises within 60 days.
7. All salvage operations shall be subject to the following requirements:
 - a. Said use shall not be located within 100 feet from any highway right-of-way, body of water or property line; or 500 feet, from any existing dwelling: church, school, hospital, public building or place of public assembly;
 - b. Such use shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the working hours of said use. Such fence shall not be erected nearer than 100 feet from the right-of-way of a public highway. All materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during the transportation of same in the reasonable course of the business. All storage shall be accomplished within the area enclosed by the fence;
 - c. Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this section in whole or in part, the fencing requirements herein may be reduced by the board, provided, however, that such natural barrier conforms with the purposes of this section.

Section 3.12 Individual Manufactured Homes.

Any application for the placement of a manufactured home shall be subject to and comply with all applicable portions of this Law pertaining to single unit dwellings. In addition, the following shall apply:

All manufactured homes shall be installed in accordance with applicable codes.

Section 3.13 Manufactured Home Parks

1. Any proposal for a manufactured home park shall be required to comply with both Article 6 and Section 3.12, of this Law;
2. Any proposal for a manufactured home park shall be required to comply with Part 7 of the New York State Sanitary Code, together with any revisions thereof;
3. All manufactured home parks shall obtain an annual operating permit from Oneida County Health Department. All operating permits shall be kept on file for review when inspected; and
4. All existing manufactured home parks of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an annual operating permit. All existing manufactured home parks shall be limited to the number and size of manufactured homes presently accommodated at the time of adoption of this Law, except as they shall meet the minimum requirements set forth herein. In addition, existing parks shall comply in every regard with minimum standards for health, sanitation and cleanliness.

Section 3.14 Signs

1. Sign Definitions:
 - a. **Single-Faced Signs:** The area of a sign with one sign face shall be calculated as the total area of the face. In the case of cutout letters, displays, symbols, statuaries or logos, the area will be calculated as that which can be enclosed within a rectangle, series of attached rectangles or other geometric shapes.
 - b. **Double-Faced Signs:** The area of a sign with two faces shall be calculated as one sign face only as long as the sign faces are identical and parallel.
 - c. **Angled Signs:** If the angle between the two faces is greater than 30 degrees, the sign area shall be calculated by adding the area of the two faces. If the angle is less than 30 degrees, the sign area shall be calculated in the same manner as a double-faced sign.
2. Signs may be erected and maintained only when in compliance with the following provisions and after the issuance of a zoning permit by the enforcement officer as required:
 - a. Advertising signs: No person, association, organization or corporation shall erect, cause to be erected, project into or be maintained on any public right of way or property controlled by the Town of Boonville;
 - b. Signs shall not be higher than the height limitations in the district where such sign is located, nor shall any sign attached to a building be located above the roof line except that a farm name may appear on a silo;
 - c. Flashing, oscillating and revolving signs are not permitted;
 - d. No sign may be illuminated in such a manner as to shine directly on adjoining properties or be hazardous to traffic safety;

Section 3.14 Signs (Continued)

- e. Where a building has frontage on more than one road, there may be one sign for each road frontage. Each sign shall meet the criteria within this Law;
- f. In the case of a sign consisting of letters or devices painted on or applied to a building, the area of the sign shall be taken as the area required to circumscribe all such letters or devices;
- g. In the case of a sign attached to a building at right angles and designed to be read from both sides, with the same message on each side, the area of one side only needs to be counted;
- h. Business signs shall not contain a gross surface area exceeding 32 square feet. Unless otherwise noted in this Law;
- i. Business signs located within the Industrial or Commercial Light Industrial Districts on the same parcel as the business being advertised may contain a gross surface area not exceeding 100 square feet. Unless otherwise noted in the Law;
- j. A premises shall not contain more than two (2) business signs except upon special use approval of the planning board;
- k. Where a business or type of business is ordinarily identified by a free-standing sign, one sign, in addition to a sign or signs attached to the building, may be permitted on special use approval of the planning board;
- l. A business sign directing attention to a permitted home-based business or professional office shall not contain a gross surface area exceeding nine (9) square feet in area. Sign shall be located on the home-based business property;
- m. The sale or rental of premises may be advertised by not more than one non-illuminated business sign with a gross surface area not exceeding nine (9) square feet in area and provided such sign is promptly removed after the premises is sold or rented; (*)
- n. Farm product signs not exceeding a gross surface area of thirty-two (32) square feet in area may be displayed on the property, but only when such products are for sale; (*)
- o. The sale or development of a premises by a contractor, builder, developer or other persons interested in such sale or development may be advertised by not more than two non- illuminated business signs. Not exceeding nine (9) square feet in area each; (*)
- p. Signs of carpenters, painters, and other artisans may be maintained on premises where such persons performing work provided such non- illuminated signs do not exceed nine (9) square feet in area and are promptly removed upon completion of work; (*)
- q. Sale adds signs; signs, non-illuminated advertising sale of goods or merchandise. The area of such sign shall not exceed nine (9) square feet in area. To be promptly removed at completion of sale; (*)
- r. No sign portable or otherwise is to be placed or located to impede the visibility of motorists or pedestrians; and
- s. Signs existing on the adoption date of this Law which do not comply with any of the provisions of this Law are hereby declared to be generally in conflict with the development objectives of the community and are therefore to be discouraged from continuance. A nonconforming sign which cannot be made conforming with this Law, and which is declared unsafe by the enforcement officer or other proper authority, shall be immediately removed.

Section 3.14 Signs (Continued)

(*) *These installations do not require a permit providing they meet the requirements of this Law.*

Public Safety and Governmental signs are exempt from this Law.

Section 3.15 Excavations: *Any excavation shall be properly Signed and sufficiently protected when not attended.*

Section 3.16 Off-Road Parking

1. Off-road parking space shall be required for all buildings constructed or for new uses established after the effective date of this Law. Parking requirements for specific uses are specified in Schedule E. For uses not specified, the planning board shall establish parking requirements in specific cases consistent with those specified in Schedule E.
2. Each off-road space shall consist of at least 180 square feet with a minimum width of nine feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. 25% of the parking development may be constructed for compact cars where each space shall consist of at least 135 square *feet* and eight feet in width.
3. For any building having more than one use, parking space shall be required as provided for each use.
4. Parking spaces required in Residential-Suburban Districts shall be located in the side or rear yard on the same lot or tract as the principal use.
5. Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area of the several floors of a building, excluding basement cellar and attic areas used primarily for storage or service.

Schedule E - Off-Road Parking

Use	Spaces Required
Administrative, professional, eleemosynary, governmental or utility office	1 space for each 400 sq. ft. of floor space
Bowling alley	5 spaces for each lane
Religious institution	1 space for each 5 seating spaces in main assembly room
Clubs and restaurants	1 spaces for each 50 sq. ft. of floor area
Dwelling	1 space for each dwelling unit
Funeral home	10 spaces for each reposing room
Industrial or manufacturing use	1 space for each 2 employees on the maximum working shift
Nursing or convalescent home	1 space for each 4 beds
Retail store or bank	1 space for each 400 sq. ft. of floor area
Rooming house, tourist home, motel, hotel	1 space for each guest room
School	2 spaces for each elementary classroom, 5 spaces for each secondary classroom
Theaters or other place of assembly	1 space for each 5 seating spaces
Wholesale, storage, freight terminal or utility use	1 space for 1,000 sq. ft. of floor area

Section 3.17 Off-Road Loading

1. At least one off-road loading facility shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. Space for off-road loading shall be in addition to space for off-road parking.
2. Each loading berth shall be not less than 12 feet wide, 33 feet long, and 14 feet in height, if covered.
3. Space for each loading berth may occupy any part of any required side or rear yard, except no such berth shall be located closer than 100 feet to any lot in any Residential-Suburban District unless wholly within a completely enclosed building.

Section 3.18 Dwellings per Lot

There shall be no more than one dwelling on a single lot except for the placement of a temporary residence complying with the provisions of Section 5.6 of this Law, or upon special use approval. Such special use approval may be given where it can be demonstrated that. Any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have front, side and rear yards in accordance with this Law, the resulting lots will have lot coverages, areas and dimensions in accordance with this Law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

Section 3.19 Telecommunications Towers

1. **Special Use Approval and Zoning Permit Required:** Telecommunications towers shall be sited only upon special use approval of a zoning permit issued for a maximum period of five years. Such permit may be issued or extended upon proof by the owner or operator that 1) the facility is in use as a transmission facility, and 2) that there is a necessity for the tower at the particular location for which an application is made. The tower shall be removed from the premises within 120 days of the decommissioning of the Tower.
2. **Shared Use:** Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
3. **Setbacks:** Towers and antennae shall be setback from all lot lines at least a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain ice-fall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. Tower parts, including guy wire anchors and accessory facilities shall not be placed within front, side and rear yards setbacks as designated in Schedule A.
4. **General Aesthetics:** All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
5. **Lighting:** Towers shall not be artificially lit except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited to avoid, whenever possible, the application of FAA lighting and painting requirements.

Section 3.19 Telecommunications Towers (Continued)

6. **Tower Design:** Whenever feasible, tower construction shall be of a "monopole" design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climbing devices. Towers shall be designed to provide colocation by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.
7. **Signs:** Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
8. **Vegetation:** Existing on-site vegetation shall be preserved to the maximum extent possible. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
9. **Screening:** Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For **all** towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
10. **Fencing:** The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.
11. **Access and Parking:** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.

Section 3.20 Shooting Preserves

1. Shooting preserves shall have a special use approval. No special use approval shall be granted unless such preserve is located on a lot or lots having an area of not less than 200 contiguous acres. For purposes of this section, portions of a lot divided by a State, County or Town highway shall not be deemed to be contiguous.
 - a. The applicant shall obtain a NYSDEC Shooting Preserve License prior to approval.
 - b. No shooting preserve activities involving the discharge of firearms shall be conducted nearer than 1000 feet to a property line.
2. The harboring of more than three dogs on shooting preserve property shall be prohibited unless the applicant applies for and receives a special use approval for the operation of a kennel as may be permitted by this Law.
3. In addition to the requirements of Articles 6 and 7 of this Law the planning board may place the following conditions upon shooting preserve uses:
 - a. increased limitations on hours of operation and discharge of firearms;
 - b. increased set-back requirements for shooting preserve activities involving the discharge of firearms;
 - c. the requirement of vegetative screening, buffering and/or berm mounding soil of shooting preserve property;
 - d. limitations on areas within the preserve property in which firearms may be discharged;
 - e. prescribed siting, configuration, or orientation of activities involving discharge of firearms and/or storage of ammunition;

Section 3.20 Shooting Preserves (Continued)

- f. prescribe type of firearms allowed;
- g. requirement that boundaries, or a portion of the boundaries,, of the preserve property be enclosed in a certain prescribed manner;
- h. limitation on the number of shooting preserve users; and
- i. the requirement of additional inspections of the property and operation by the enforcement officer with reports back to the town board.

Section 3.21 Adult Entertainment Uses

- 1. Adult entertainment uses shall have a special use approval. An adult entertainment use may not be located within 1000 feet of churches, schools, parks, playing field or other areas in which groups of minors regularly congregate; within 500 feet of any residence; or within 1000 feet of any other adult entertainment use.
- 2. Only one sign shall be visible from the exterior of any building which is occupied by an adult entertainment use. Any such sign signs shall not contain a gross surface area exceeding 32 square feet. No sign shall consist of any material other than plain lettering. No sign shall have any photographic or artistic representation whatsoever thereon.
- 3. All building openings, entries, windows, doors, etc., shall be located, covered, or screened in such a manner as to prevent a view into the interior of the building from the outside of the premises.

Section 3.22 Home-Based Business

- 1. Home-based business meeting all the following requirements are exempt from the provisions of this Law and shall not require a zoning permit:
 - a. no nonresidents are employed;
 - b. total floor area devoted to the business is less than 400 square feet; and
 - c. the business is not open to off-road customers.
- 2. Home-based businesses which are not exempted by subsection 1 above shall be subject to the following standards:
 - a. Total floor area devoted to the business shall not exceed 50% of the total floor area of the principal residential use located on the lot;
 - b. Operation shall be limited to the interior of a building;
 - c. The exterior of a building containing a home-based business shall not be altered to accommodate the business.
 - d. Signs shall conform to Section 3.14 of this Law;
 - e. Manufacturing and assembly operations shall be limited to five-horsepower tools;
 - f. Excessive noise, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced;
 - g. Hours of operation shall be limited to those approved by the planning board; and
 - h. All on-site parking shall be provided in accordance with Section 3.16 of this Law, and there shall be no on-road parking.
- 3. Home-based businesses unable to meet the above requirements may be permitted as a commercial use of the property where such commercial use is allowed in Schedule A, and the use otherwise complies with the provisions of this Law.

Section 3.23 Storage Vehicles and Storage Containers

1. Vehicles, trailers, camping units, PODS and manufactured homes shall not be used as a permanent accessory structure, storage building, utility building, shed, or other such use unless:
 - a. It is part of a commercial operation duly conducted on the premises where such operation is in compliance with this law; and
 - b. When used in connection with active farming or agricultural operations.
2. Storage vehicles shall be prohibited in R-R, R-S zones and designated flood plains. They shall be permitted in A-R, C-LI and I zones upon a temporary special use approval as provided for in Section 5.6 of this law.
3. Unless approved in writing by the enforcement officer:
 - a. No storage or shipping container shall be allowed on a lot without the existence of a primary residence unless used during;
 - (1) construction of a primary residence or accessory structure;
 - (2) transporting personal property to and from existing structures; or
 - (3) major subdivision development or an approved construction site.
 - b. There shall be no more than one storage, shipping container or trailer per site;
 - c. PODS type containers shall be restricted to no larger than 8 feet wide, 20 feet long and 8 feet high;
 - d. Storage or shipping containers, trailers and semi-trailers or PODS shall be allowed on a lot for no more than a total of 45 days in any consecutive 12-month period, except for those used in connection with an approved construction site; and
 - e. Storage or shipping containers used as part of an approved construction site shall be permanently removed from the premises within 30 working days of the issuance of a certificate of compliance.
4. Vehicles, trailers, and manufactured homes shall be allowed to be temporarily used as office space, break rooms or other such similar uses during the construction phase of a commercial development or residential major subdivision.
5. Unless approved in writing by the enforcement officer, the location of a storage or shipping container shall
 - a. comply with side and rear yard setback requirements;
 - b. not be placed in front of the front foundation of the primary structure of the lot; and
 - c. not obstruct or impair visual sight lines to any public road.
6. Roll-off type dumpsters used for the removal of discarded building materials and debris shall be temporarily allowed in front, side and rear yards of a primary structure during the period of active construction.

Section 3.24 Noise

Uses requiring site plan review shall be designed so that activities on the site shall not exceed 70 decibels at property lines.

ARTICLE 4: NONCONFORMITIES

Section 4.1 Continuation

Any nonconforming lot, structure or use which lawfully existed at the time of the enactment or amendment of this Law may be continued, subject to the regulations which follow in this article.

Section 4.2 Nonconforming Use of Land

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 or amendment of this 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 or amendment of this Law. If a nonconforming use of land is discontinued for a period of 24 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 4.3 Nonconforming Use of Structures

1. **Additions:** A structure nonconforming as to use shall not be added to or enlarged in any manner unless such nonconforming structure and the use thereof is made to conform to all the regulations of the district in which it is located. A structure nonconforming as to any other matter other than use may be added to or enlarged as long as the nonconformity is not increased.
2. **Alterations and Repairs:** No structural alterations shall be made to any structure nonconforming as to use unless such alterations are required by law. However, such maintenance and repairs as are required to keep such a nonconforming structure in sound condition shall be permitted.
3. **Changes:** A nonconforming use of a structure may not be changed except to a conforming use. When so changed, the nonconforming use may not be resumed thereafter.
4. **Discontinuance:** A nonconforming use of a structure which is discontinued shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises are located. A nonconforming use shall be deemed to have been discontinued when there is a vacancy or discontinuance of a use for a period of 24 consecutive months, or there is manifestation of a clear intent on the part of the owner to abandon the use.
5. **Extension:** A nonconforming use may not be extended to any other part of a structure.
6. **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% or more of its true market value at the time of such damage, as adjusted from assessed value; based upon State Board of Equalization rates, shall not be repaired or rebuilt except in conformity with the provisions of this Law.
7. **Removal:** If any structure in which any nonconforming use is conducted is hereafter removed, the subsequent use 'of the land on which such structure was located and the subsequent use of any structure erected thereon shall conform with the regulations of the district in which it was located.
8. **Validity of Zoning Permit:** A nonconforming structure may be completed only if a zoning permit has been lawfully granted, and its construction has been started and diligently pursued before the effective date of this Law.

Section 4.4 Lots of Less Than Required Dimensions

Any nonconforming lot held under separate ownership, where the owner owns no adjoining land that could be combined with the lot to meet the lot area or lot width requirements of the district in which it is located, may be used as follows:

1. The lot may be used for any purpose permitted in the district;
2. All buildings and structures shall be generally centered on the lot;
3. Where compliance with side yard requirements is not practical, there shall be a twelve (12) foot minimum side yard setback. Where compliance with rear yard requirements is not practical, there shall be a twelve (12) foot minimum rear yard setback;
4. Where compliance with front yard requirements is not practical, the front yard shall be an average of the front yards on the directly adjacent lots; and
5. A certified engineer's plan or design shall accompany all applications for on-site sewage disposal system and water supply system construction, extension, modification, or replacement assuring compliance with state and local sanitary regulations.

ARTICLE 5: ADMINISTRATION AND ENFORCEMENT

Section 5.1 Enforcement Officer

The provisions of this Law shall be administered and enforced by a person designated by the town board as the "enforcement officer" who shall have the power to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Law. No zoning permit or certificate of compliance required heretofore shall be issued by the enforcement officer except in compliance with the provisions of this Law, or as directed by the zoning board of appeals under the provisions of Article 13.

Section 5.2 Zoning Permit Required

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

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 24 months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family *residential* uses; and
6. Placement of a sign. [see section 3.14]

Section 5.3 Zoning Permit Exceptions

A zoning permit shall not be required for the following development activities, and such activities shall not be subject to the requirements of this Law:

1. Fences or walls complying with Section 3.3 and Section 3.8 of this Law;
2. Interior alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
3. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
4. Family day care homes and group family day care homes;
5. Home businesses exempted in Section 3.22 of this Law;
6. Nonstructural agriculture and forest management uses; or
7. Specific types of signs [see section 3.14]

Section 5.4 Zoning Permit Application

Applications for zoning permits shall be submitted in duplicate on form or forms provided by the enforcement officer. Each application shall set forth the purpose for which the building and/or land is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot, buildings and structures, and dimensions of required and proposed yards. The enforcement officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him/her to determine if the proposed building, its use, and the use of the land are in conformity with the provisions of this Law.

Section 5.5 Expiration of Zoning Permit

Any use or construction for which a zoning permit has been issued shall be completed within 12 months from the date the permit was issued, at which time such permit shall expire. However, the enforcement officer may, when good cause is shown, extend the period for exercising the permit up to an additional 12 months.

Section 5.6 Temporary Zoning Permit

1. Temporary zoning permits may be issued upon special use approval of the planning board for a period not to exceed 12 months for temporary uses unless specified differently in another section of this Law and structures incidental to a construction project, and may be renewed by the planning board for one additional 12 months period. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit. The planning board may place such appropriate conditions on the use so as to protect the character of the surrounding area.
2. Temporary zoning permits may be issued for residential uses only in the following circumstances:
 - a. for one interim dwelling on an individual lot during the construction of a single-family or two-family dwelling on such lot;
 - b. for one emergency dwelling on an individual lot, when the need for such dwelling resulted from the loss by flood, fire, or other disaster of an existing dwelling within the town.
3. Temporary zoning permits may be issued upon special use approval of the planning board for storage vehicles in A-R, C-LI and I zones. Such permits shall be issued for a period of time up to 12 months upon satisfactory evidence of necessity provided by the applicant.

Section 5.7 Certificate of Compliance or Occupancy

A certificate of Compliance or Occupancy is required for the occupancy and use of a building or structure hereafter erected, altered, moved or extended, or the change in the use of an existing building, structure, or area of land.

A certificate of Compliance or Occupancy may be obtained on application from the enforcement officer. Such certificate shall be issued only if the proposed use of the building, structure, or land conforms to the provisions of this Law. Before issuing such certificate of Compliance or Occupancy, the enforcement officer shall make, or cause to have made, an inspection of each building, structure, or land area for which a certificate has been applied. Such inspection shall be made within five days from the date of the application - Saturdays, Sundays, and legal holidays excepted.

Section 5.8 Complaints and Violations

Whenever a violation of this Law occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the enforcement officer. Upon receipt of a written complaint, the enforcement officer shall record the complaint in their files, conduct an investigation within seven days of receipt of the complaint, and issue their observations in writing. If the enforcement officer finds that any of the provisions of this Law are being violated, they shall notify in writing the last owner of record of the property where the violation is occurring, as determined by the assessment records, indicating the nature of the violation and ordering the action necessary to correct it. The owner shall have 30 days in which to remove such violation. The enforcement officer shall file copies of any notice of violation with the town clerk and the town attorney. After 30 days, proceedings to compel compliance with this Law will be instituted. Pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law and shall cause such person to appear before the town justice.

Section 5.9 Penalties

Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by, a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 5.10 Schedule of Fees, Charges and Expenses

The town board shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, operating permits, certificates of compliance, appeals, and other matters pertaining to this Law. The schedule of fees shall be published in a newspaper of general circulation in the town and may be altered or amended only by the town board. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 5.11 County Referrals

Pursuant to Section 239-1 and 239-m of General Municipal Law of the State of New York, the following classes of zoning actions shall be referred to the Oneida County Department of Planning before final action is taken. (The actions to be referred include any site plan review, special use review, variance, or zoning amendment applying to real property lying within a distance of 500 feet from):

1. any municipal boundary;
2. the boundary of any existing or proposed county or state park or other recreation area;
3. the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
4. the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or
5. the boundary of a farm operation location in an agricultural district as defined by Article 25-AA of the Agriculture and Market law, except this subparagraph shall not apply to the granting of area variances. Within 30 days after receipt of such referred matter, the Oneida County Department of Planning shall report its recommendations thereon to the referring municipal body. If the county agency fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the country agency disapproves the proposal, or recommends modifications thereof, the municipal body shall not act contrary except by a vote of a majority plus one of its full memberships and after adoption of a resolution fully setting forth the reasons for such contrary action.

ARTICLE 6: SITE PLAN REVIEW

Section 6.1 General

Prior to the issuance of a zoning permit for any use requiring site plan review and approval, the enforcement officer shall refer the application and all application materials as specified herein to the planning board for its *review* and approval in accordance with the provisions set forth in this, article.

Section 6.2 Pre-application Conference

A meeting is recommended between the planning board and applicant to review the basic site design concept and generally determine the information to be required on the site plan. The applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed. The planning board may issue written comments as the result of this meeting. It is recommended that the applicant provide the following information at a pre-application conference:

1. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, roads and easements within 200 feet of the boundaries thereof; and
2. A map of site topography at no more than five-foot contour intervals. If general site grades exceed five percent or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two feet of elevation should also be provided.

Section 6.3 Application for Site Plan Approval

An application for site plan approval shall be made in writing to the enforcement officer and shall be accompanied by information drawn from the checklists outlined in Sections 6.4 and 6.5 below, as determined necessary by the planning board at the concept review meeting. An application for site plan review and approval shall be accompanied by a fee as - required pursuant to Section 5.10 of this Law. Anticipated costs which the planning board expects to incur due to consulting services or other review costs shall be paid by the applicant and placed in an escrow account. Any unspent funds shall be returned to the applicant within five days of planning board action on the site plan.

Section 6.4 Site Plan Review Checklist

1. title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. north arrow, scale and date;
3. boundaries of the property plotted to scale;
4. existing watercourses;
5. grading and drainage plan, showing existing and proposed contours;
6. location, design and construction materials of all parking and truck loading areas, showing access and egress;
7. provision for pedestrian access;
8. location of outdoor storage, if any;
9. location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
10. description of the method of sewage disposal and location, design and construction materials of such facilities;
11. location of fire and other emergency zones, including the location of fire hydrants;
12. location, design and construction of all energy distribution facilities, including electrical, gas and solar energy;
13. location and proposed development of all buffer areas, including existing vegetative cover;
14. general landscaping plan and planting schedule;

15. 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;
16. agricultural data statement pursuant to Town Law Section 283-a, when applicable;
17. statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;
18. completed Environmental Assessment Form (EAF) in compliance with the State Environmental Quality Review Act (SEQR); and
19. estimated project construction schedule.

Section 6.5 Site Plan Review Checklist for Wellhead Protection Overlay District.

In addition to the information outlined in Section 6.4 above, the following information shall be provided for a proposed use located partially or wholly within the Wellhead Protection Overlay District.

1. A map and a report showing the location of the premises for which the permit is sought, and plans prepared by a licensed professional engineer or architect showing all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, hazardous substances and wastes, solid wastes, and incidental wastes;
2. A complete list, including an estimate of the volume in pounds dry weight and liquid gallons, of all petroleum, chemicals, pesticides, fuels, and other hazardous substances to be used, generated, stored, or disposed of on the premises;
3. A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion, and leakage. At a minimum, such measures shall include a description of appropriate design and operating standards as described in Article 11 and listed in Schedules B, C, and D of this Law;
4. A description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers;
5. A description of proposed measures to control runoff and drainage from the site, and where required in Schedules B, C, and D, a stormwater management and erosion and sedimentation control plan; and
6. A landscape plan that shows pre-development areas of undisturbed, natural vegetation and proposed post-development areas of undisturbed, natural vegetation and fertilized vegetation.

Section 6.6 Waiver of Submission Requirements

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

Section 6.7 Review Criteria

The following criteria for the planning board review may include, but shall not be limited to the following:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
3. Location, arrangement, appearance and sufficiency of off-road parking and loading;
4. Location arrangement, size, design and general site compatibility of buildings, lighting and signs;
5. Adequacy of stormwater 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 or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation;
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.;

Section 6.7 Review Criteria continued

11. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion;
12. Relationship to active agricultural land and fallow land to ensure that the conversion of agricultural land to non-agricultural uses is minimized and to ensure that all potential conflicts with agriculture operations are minimized;
13. Protection of the aquifer and aquifer recharge areas that provide drinking water for the private wells in the Town of Boonville and the municipal wells operated by the Boonville Municipal Commission. In evaluating the protection of the aquifer, aquifer recharge areas, and the water supplies, the planning board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed; and
14. Protection of wildlife migration patterns and corridors with special attention to migrations between the Adirondack Mountains and the Tug Hill Plateau.

Section 6.8 Consultant Review

The planning board may consult with the town enforcement officer, fire commissioners, conservation commission, highway superintendent, other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to, the USDA Natural Resource Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

Section 6.9 Referral to Municipal Commission of Boonville

At least ten days before the hearing, the planning board shall refer all site plan review matters for proposed uses located partially or wholly within the Wellhead Protection Overlay District to the Municipal Commission of Boonville for their advisory comment. If the Municipal Commission of Boonville does not respond within 30 days from the time it received a full statement on the referral matter, the planning board may act without such advisory comment. The planning board may, at its discretion and by a majority vote, incorporate or override any advice given by the Municipal Commission of Boonville. If the planning board, by majority vote, decides not to adopt any or all of the Municipal Commission of Boonville's recommendations, then the reasons supporting this action shall be documented in the minutes of the planning board.

Section 6.10 Public Hearing

The planning board may conduct a public hearing on the site plan. If a public hearing is considered desirable by a majority of the members of the planning board, such public hearing shall be conducted within 62 days of the acceptance of a complete application for site plan approval and shall be advertised in a newspaper of general circulation in the town at least five days before the public hearing. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project within ten days of the hearing.

Section 6.11 Waiver of Public Hearing

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

1. The use requires a special use permit pursuant to this law;
2. The use is a Type 1 SEQR action, and the use is determined by the planning board to have environmental significance;
3. The use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
4. The use is determined by the planning board to be of a publicly controversial nature; or
5. The applicant has requested a public hearing.

Section 6.12 Compliance with SEQR

The planning board shall identify the type of action (either Type 1 or Unlisted) the proposed development is according to 6 NYCRR Part 617. The planning board shall also review the Environmental Assessment Form (EAF) submitted as part of the application. The action type and related procedure will dictate the next steps, if any, to be taken to comply with the SEQR regulations. If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement is filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement has been completed. When the draft environmental impact statement is completed, the 62-day time frame for planning board review begins. If another agency has determined that the proposal in question may have a significant effect on the environment, the planning board shall not issue a decision until a final impact statement has been filed.

Section 6.13 Required Referral

Prior to taking final action on the site development plan, the planning board shall, if applicable, refer the plan to the County Planning Department for advisory review and a report in accordance with Section 5.11 of this Law.

Section 6.14 Variance

During the review, should the planning board determine that an approval may not be feasible without the granting of a variance, the planning board may refer the application to the zoning board of appeals.

Section 6.15 Planning Board Action on Site Plan

Within 62 days of receipt of the application for site plan approval, or within 62 days of the close of a public hearing if one is held pursuant to Section 6.10 above, the planning board shall render a decision. The planning board's action shall be in the form of a written statement to the applicant stating whether the site plan is approved, disapproved, or approved with modifications. The planning board's statement may include recommendations of desirable modifications to be incorporated in the site plan, and conformance with said modifications shall be considered a condition of approval. If the site plan is disapproved, the planning board's statement will contain the reasons for such findings. In such a case, the planning board may recommend further study of the site plan and resubmission to the planning board after it has been revised or redesigned.

ARTICLE 7: SPECIAL USE REVIEW

Section 7.1 Authority

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove special uses pursuant to New York State Town Law Section 274-b and in accordance with the standards and procedures set forth in this Law.

Section 7.2 Applicability

All uses designated as requiring a special use review shall have a site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the enforcement officer. The following uses require special use review:

1. More than one business sign. [see Section 3.14 of this Law];
2. Multiple dwellings per lot [see Section 3.18 of this Law];
3. Telecommunications towers [see Section 3.19 of this Law];
4. Shooting preserves [see Section 3.20 of this Law];
5. Adult entertainment uses [see Section 3.21 of this Law];

Section 7.2 Applicability continued

- 6. Temporary zoning permits [see Section 5.6 of this Law];
- 7. Multi-Unit dwellings;
- 8. Funeral homes;
- 9. Religious institutions; and
- 10. Minor wind power generating facilities [see Section 3.8 of this Law].

Section 7.3 Considerations

- 1. In considering and acting on special uses, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
- 2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
 - a. That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community;
 - b. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use; and
 - c. That the proposed use complies with all requirements for site plans as specified in Article 6 of this Law and any other special requirements as may be set forth for the use in this Law.

Section 7.4 Application and Review Procedure

All applications for special use reviews shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Article 6 of this Law. A public hearing, as provided for in Section 6.10 of this Law must be held for all special uses.

ARTICLE 8: ESTABLISHMENT OF DISTRICTS

Section 8.1 Districts

For the purposes of this Law, the Town of Boonville is hereby divided into the following districts:

A-R	Agricultural Rural District	P-D	Planned Development District
C-LI	Commercial Light Industrial District	R-S	Residential Suburban District
I	Industrial District	W-P	Wellhead Protection Overlay District
		RR	Residential Recreation

Section 8.2 Purposes of Districts

- A-R** Agricultural Rural District: To maintain active farming areas while providing for limited non-farm related, low density residential development and to ensure that those areas of the town which are essentially wooded, open and undeveloped are preserved for the most part in their natural state in order to maintain their aesthetic, environmental, and economic benefits.
- C-LI** Commercial Light Industrial District: To provide for commercial expansion within the town in those areas which are conveniently served by major highways.
- I** Industrial District: To provide for industrial expansion within the town in those areas having transportation access (highways, railroad, etc.) and public utilities (sewer and water systems).

- P-D Planned Development District:** To be used for special types of development projects under the following circumstances: 1) where diverse land uses may be brought together as a compatible and unified plan for development which would not otherwise be permitted through the other types of zones provided for in this Law, and 2) where flexibility in design is desirable by allowing yard sizes, building coverages, and other requirements which would not otherwise be permitted through the other types of zones provided for in this law.
- R-S Residential Suburban District:** To provide for moderate to high density housing development adjacent to the Village of Boonville and existing hamlets, and to discourage uses which are incompatible with residential development.
- W-P Wellhead Protection Overlay District:** The purpose of this overlay district is to delineate those areas of the town which are important to ensuring a safe and healthful drinking water supply for the Boonville area, local residents, employees, and the general public through the preservation of the town's and village's groundwater resources. The designation of three Wellhead Protection Overlay Zones (WPOZ) within the Wellhead Protection Overlay District and the careful regulation of development activities within these zones will reduce the potential for groundwater contamination. The Wellhead Protection Overlay District will preserve and maintain the existing and potential groundwater supplies, aquifers, and aquifer recharge areas of the town, and protect them from adverse development or land use practices. The Wellhead Protection Overlay District will also conserve the natural resources of the town and prevent pollution of the environment.
- RR Residential Recreation:** To provide for development of nonconforming lots where a licensed engineer can site a structure, on-site sewage disposal system and well, including parcels with rights-of-way to the Black River, Echo Lake and Kayuta Lake.

Section 8.3 Zoning Map

Said districts are shown, defined, and bounded on the map accompanying this Law (**Schedule G**), entitled Official Zoning Map of the Town of Boonville, and signed by the town clerk. The zoning map with all explanatory material thereon is hereby made a part of this Law. In addition to the Official Zoning Map, the Wellhead Protection Overlay District is further divided into Wellhead Protection Overlay Zones as indicated on the Wellhead Protection Overlay Zones map. **Zone Map is also Located on The Town of Boonville NY web site <https://www.townofboonvilleny.com/> or request a PDF digital copy from the Town Zoning official at boonvillecodes@gmail.com**

Section 8.4 District Boundaries Generally

The district boundary lines are generally intended to follow the centerlines of roads, the centerlines of railroad rights-of-way, existing lot lines, or town boundary lines, all as shown on the zoning map. In the case of uncertainty as to the true location of a district boundary line, the enforcement officer may request the planning board to render a determination with respect thereto. No boundary may be changed in this process of determination.

Section 8.5 Floodplain District

See FEMA (Federal Emergency Management Agency) rules and regulations.

Section 8.6 Wellhead Protection Overlay District Boundary

The Wellhead Protection Overlay District (W-P) boundaries are shown on the Wellhead Protection Overlay Zones map. Where the bounds of the Wellhead Protection Overlay District, as delineated on the zoning map or the bounds of any Wellhead Protection Overlay Zone as delineated on the Wellhead Protection Overlay Zones Map are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question or their official designee(s) of the land in question or their official designee(s) to show that the boundaries differ from those that are indicated. At the request of the owner(s) whose land has been designated as part of the Wellhead Protection Overlay District, the town may engage a professional hydrogeologist or geologist to determine more accurately the location and extent of an aquifer or recharge area and may charge the owner(s) for all or part of the cost of the investigation.

Section 8.7 Lots in More Than One District

Where a district boundary divides a lot at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 20 feet into the more restrictive portion of the lot, provided the lot has frontage on a road in the less restricted district. This provision shall not apply to W-P Wellhead Protection Overlay Districts.

ARTICLE 9: DISTRICT REGULATIONS

Section 9.1 Applicability

In each district no structure or premises shall be used and no structure shall be erected or altered except in conformity with the provisions of Schedule A, attached. The uses which are termed permitted principal uses and the uses requiring site plan review by the planning board for each district are indicated in Schedule A. Any uses wholly or partially within the Wellhead Protection Overlay District which are required to comply with any additional requirements as outlined within Article 11 and Schedules B, C, and D of this Law shall also require site plan review and approval by the planning board.

Section 9.2 Permitted Principal Uses

Uses shown in this category in Schedule A require zoning permits as described in Article 5 of this Law.

Section 9.3 Site Plan Review Uses

Uses shown in this category in Schedule A require a site plan review and approval by the planning board prior to the issuance of a zoning permit or certificate of compliance by the enforcement officer. The site plan review procedure is outlined in Article 6 of this Law. Additionally, any use wholly or partially within the Wellhead Protection Overlay District which is required to comply with any additional requirements as outlined within Article 11 and Schedules B, C, and D of this Law shall also be required to have a site plan review and approval by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the enforcement officer.

ARTICLE 10: SOLAR ENERGY SYSTEMS/RULES AND REGULATIONS

Section 10.1 Authority

This Article 10 was adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorizes the Town of Boonville to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

Section 10.2 Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Boonville by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
2. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
3. To increase employment and business development in the Town of Boonville, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
4. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
5. To create synergy between solar expansion, the Town's Comprehensive Plan and Article 1 of the Town of Boonville Zoning Law.

Section 10.3 Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, which generates electricity for onsite and/or offsite consumption.

LOT COVERAGE: Refer to Section 10.9 item 10.d of this Article 10.

NATIVE PERENNIAL VEGETATION: native wild flowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town of Boonville determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite and/or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Solar collectors, controls, inverters, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and passive solar.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

1. **Tier 1** Solar Energy Systems include the following:

- a) Roof-Mounted Solar Energy Systems; and
- b) Building-Integrated Solar Energy Systems.

2. **Tier 2** Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to [25] kW AC and that generate no more than [110] % of the electricity consumed on the site over the previous [12] months.

3. **Tier 3** Solar Energy Systems are systems including SOLAR ENERGY PRODUCTION FACILITY that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR ENERGY PRODUCTION FACILITY: (Solar Farm): An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to a public utility entity.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

Section 10.4 Applicability

1. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Boonville after the effective date of this Local Law, excluding general maintenance and repair.
2. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
3. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5 % of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
4. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and the Town of Boonville Zoning Law.

Section 10.5 General Requirements

1. A Building permit shall be required for installation of all Solar Energy Systems.
2. Town of Boonville Planning Board is encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.
3. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

Section 10.6 Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

1. Roof-Mounted Solar Energy Systems
 - a. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - 1) Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the original roof surface the highest edge of the installed system;
 - 2) Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached;
 - 3) Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached;
 - 4) Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher; and
 - 5) Rooftop units must be 3 feet from any chimney and shall not be permitted on roof overhangs.
 - b. Glare: All Solar Panels shall have anti-reflective coating(s). The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties or public roads.
 - c. Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district and the reference to Section 10.6 -1a, above whichever is less.
2. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.
3. Roof access shall be maintained as required by applicable Building and Fire Codes

Section 10.7 Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

1. Glare: All Solar Panels shall have anti-reflective coating(s). The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties or public roads.

2. Setbacks: Tier 2 Solar Energy Systems shall be subject to the same setback regulations specified for the primary structures within the underlying zoning district. Solar Energy Systems shall not be located within 10' of the primary structure. All Ground- Mounted Solar Energy Systems shall only be installed in the side or rear yards in all districts. Solar Energy Systems may not be located between the front lot line and principal structure.

3. Height: Tier 2 Solar Energy Systems shall comply with height limitations in Appendix 3. Height shall be measured at maximum tilt.

4. Screening and Visibility.

- a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable; and
- b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

5. Lot Size: Tier 2 Solar Energy Systems, the total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed the maximum coverage percentage including dwellings and structures as required by the underlying district.

6. Electrical Wiring: All electrical wiring shall be installed underground to the extent feasible.

Section 10.8 Additional Permitting requirements for Tier 1 and 2 Solar Energy Systems

1. Where site plan approval is required elsewhere in this Law for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, general site compatibility and environmental impact assessment of proposed solar collectors. Where a site plan exists, an approved modified site plan shall be required if there are any proposed changes to or additions of solar collectors. A site plan review is required for all installations of solar energy equipment on non-dwelling structures and lots.
2. All solar collector installations must be performed by a Qualified Solar Installer, and, prior to operation, the electrical connections must be inspected by the Town of Boonville Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town of Boonville.
3. Where solar energy equipment is to be tied- to and operated in parallel with facilities owned and operated by a public utility, the installation shall comply with all the applicable Rules and Regulations, Public Service Law and utility tariffs governing the interconnection. In addition, copies of any interconnection agreement shall be provided to the Town of Boonville Code Enforcement Officer prior to operation.
4. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use, and, when no longer used, they shall be disposed of in accordance with all applicable laws and regulations. Notification of the installation and/or removal of solar storage batteries shall be made to the Fire Department responsible for response to the location where the batteries are installed.
5. If a solar collector system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period. The Town of Boonville retains the option to require a bond or other form of security reasonably acceptable to the Town of Boonville Attorney be obtained in an amount sufficient to cover the future removal of the facility.

Section 10.9 Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems (Solar Energy Production Facility) are permitted through the issuance of a special use permit within the Agriculture Rural, Commercial Light Industrial, Industrial, Planned Development, and Residential Suburban zoning districts, and subject to site plan application requirements as set forth in this Section.

1. Applications for the installation of Tier 3 Solar Energy System shall be:

- a. reviewed by the Town of Boonville Code Enforcement/Zoning Enforcement Officer and/or Planning Board for completeness. Applicants shall be advised within 10 business days of the completeness of their application and attachments or any deficiencies that must be addressed prior to substantive review;
- b. subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Boonville shall schedule a Public Hearing within 62 days of notifying the applicant of a complete application. The Planning Board of the Town of Boonville shall have a notice printed in a newspaper of general circulation in the Town of Boonville at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 500 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing;
- c. referred to the Oneida County Planning Department pursuant to General Municipal Law § 239-m if required; and
- d. upon closing of the public hearing, the Town of Boonville Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

2. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the high voltage facilities utilized to complete the connection between the electric grid system and the Operators supply lines from the solar energy equipment. Low voltage lines to a "collection" point are not included in this.

3. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

4. Signage.

- a. No signage or graphic content shall be displayed on the Solar Energy Systems except the Operator's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet;
- b. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

5. Glare. All Solar Panels shall have anti-reflective coating(s). The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties or public roads. Ail structures and devices used to support solar collectors shall be nonreflective and/or painted a subtle or earth tone color to aid in blending the facility into the existing environment.

6. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible to preserve a visual buffer from adjacent properties and roadways. Previously cleared or disturbed areas are preferred locations for solar panel arrays. The clearing of additional lands to accommodate a proposed Solar Energy Production Facility may be permitted, providing the percentage of newly cleared land on any solar lot does not exceed 10% of the existing woodlands on that lot.

7. Escrow Agreement:

- a. The Town of Boonville may require the applicant seeking to develop any Tier 3 Solar Energy System to fund an escrow agreement or to sign a developer's agreement to cover the amount by which the Town of Boonville's estimated costs and expenses of review, including reasonable legal and engineering fees, exceed (or will exceed) the application fees paid by the applicant.
- b. The Town of Boonville may also include a separate agreement, coverage or bonding to protect the integrity of Town roads during this construction activity.
- c. Construction and Maintenance. Prior to the issuance of a special use permit for the Solar Energy System and any associated structures, the applicant shall post a financial security in an amount and form acceptable to the Town of Boonville for the purposes of construction and maintenance. The amount shall be 50% of the construction value. Acceptable forms shall include, in order of preference: cash, letter of credit; or a bond that cannot expire; or a combination thereof. Such financial security will be used to guarantee compliance with the conditions of the approval for the Solar Energy System. If the Owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the financial security provided by the applicant. Failure to comply with conditions of the approval or to maintain an acceptable level of financial security will result in revocation of the special use permit.

8. Decommissioning.

- a. Solar Energy Systems excepting interconnection equipment turned over to the Utility operator, that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Boonville as set forth in Section 10.11 (2) herein below. Details and proof of Interconnection equipment that was transferred to the Utility operator shall be provided to the Town of Boonville at startup. The owner or operator shall notify the Town of Boonville Code Enforcement Officer by certified mail of the proposed date of discontinued operation and plans for removal.
- b. A decommissioning plan (see Appendix 5) signed by the owner and/or operator of the Solar Energy System and accepted by the Town of Boonville shall be submitted by the applicant, as part of the application addressing the following:
 - 1) The cost of removing the Solar Energy System;
 - 2) The time required to decommission and remove the Solar Energy System and any ancillary structures; and
 - 3) The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- c. Security.
 - 1) The deposit, executions, or filing with the Town of Boonville Clerk of cash, bond, or other form of security reasonably acceptable to the Town of Boonville Attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125 % of the cost of

removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2 % annually for the life of the Solar Energy System. The applicant's estimate shall be prepared by a qualified engineer, setting forth the costs associated with decommissioning the Solar Energy System at issue;

- 2) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Boonville, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed; and
- 3) In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10.11 items 2 and 3 herein below.

9. Site plan application.

For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. In addition, a completed SEQRA (Full EAF) application shall be supplied. The site plan application shall include the following information:

- a. Property lines and all physical features, including roads, for the project site;
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures;
- c. A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
- d. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit;
- e. Where solar energy equipment is to be tied- to and operated in parallel with facilities owned and operated by a public utility, the installation shall comply with all the applicable Rules and Regulations, Public Service Law and utility tariffs governing the interconnection. In addition, copies of any interconnection agreement shall be provided to the Town of Boonville Code Enforcement Officer prior to operation;
- f. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit;
- g. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the specified use of the property for the Solar Energy System;
- h. Zoning district designation for the parcel(s) of land comprising the project site;
- i. Operation and Maintenance Plans. Such plan shall describe standard operating procedure for the facility, scheduled maintenance plans for equipment and property upkeep, such as mowing and trimming;
- j. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town of Boonville Planning Board;
- k. Noise: Details of the proposed noise that may be generated by inverter fans. The Planning Board shall require a noise analysis to determine potential adverse noise impacts. Noise producing equipment shall be sited and or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review;

- l. Land Use/Taxes: Provide statement co-signed by the applicant and the landowner 1) that the establishment of the proposed Solar Energy System shall not result in a tax penalty, pursuant to Section 305 or 306 of the New York State Agriculture and Markets Law, due to conversion of land to a non-agricultural use, which shall also state the last year, if any, for which the subject lands received an agricultural real property tax exemption, or 2) that the establishment of the proposed Solar Energy System may result in a tax penalty, pursuant to Section 305 or 306 of the New York State Agriculture and Markets Law, along with a statement indicating the most recent year, if any, for which the subject lands received an agricultural real property tax exemption, which shall also include a statement of the number of acres to be converted from an agricultural to a non-agricultural use and an estimate of the total amount tax penalty to be imposed, including interest. In the case of an application for a Solar Energy System to be located on private lands owned by a party other than the applicant a copy of the lease agreement with the property owner shall be filed with the Town of Boonville;
- m. Proof of Insurance: The applicant and the owners of the property where the Solar Energy System is to be located shall file with the Town of Boonville Code Enforcement Officer proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with the construction and operation of the facility; and
- n. Prior to the issuance of the building permit or final approval by the Town of Boonville Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

10. Special Use Permit Standards.

- a. Lot size

The property on which the Tier 3 Solar Energy System is proposed to be placed shall meet the minimum lot size requirements in Appendix 1.

- b. Setbacks

The Tier 3 Solar Energy Systems shall meet the minimum setback requirements in Appendix 2.

- c. Height

The Tier 3 Solar Energy Systems shall comply with the maximum height limitations in Appendix 3 depending on the underlying zoning district.

- d. Lot coverage

- 1) The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - b) All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - c) Paved access roads servicing the Solar Energy System.
- 2) Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement specified in Appendix 4. Lot Coverage must comply with NYS Storm Water regulations.

- e. Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access. There shall be created and maintained within the security fence and between such fence and components, structures, or fixtures of the solar energy system, a clear and unobstructed buffer area of at

least 25' in width encircling the entire perimeter of the facility, with a surface and grade suitable for the safe passage of fire trucks and other emergency service vehicles.

f. Screening and Visibility.

1) Solar Energy Systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

2) Solar Energy Systems larger than 10 acres shall be required to:

- a) Conduct a visual assessment with photo simulations of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant; and
- b) Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible on a year round basis.

The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the recommendations rules and standards established by the Town of Boonville.

g. Agricultural Resources. For projects located on agricultural lands:

- 1) Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50 % of the area of Prime Farmland or Farmland of Statewide Importance on the parcel;
- 2) Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20 % of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators;
- 3) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets; and
- 4) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A current and new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 90 days of the ownership change.

Section 10.10 Safety

1. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required. Installation shall be completed by Qualified Solar Installers.
2. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.
3. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Boonville and any applicable federal, state, or county laws or regulations [refer to Article 15 of this Law for additional information].
4. Fire Department Coordination; The Tier 3 Solar Energy System Owner and/or Operator shall provide a copy of the project site plans and electrical schematic to the responsible local Fire Chief, upon request, the Owner and/or Operator shall cooperate with local emergency services in developing an emergency response plan. The Owner and/or Operator shall offer on-site safety training to all local fire departments within 6 months of operation, and a reoccurring refresher training as requested by the local fire departments. The Owner and/or Operator shall specify a responsible person with access phone number for public inquiries throughout the life of the installation. Emergency contact number shall be displayed at the entrance to the facilities.

Section 10.11. Permit Time Frame and Abandonment

1. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 18 months after approval, the applicant or the Town of Boonville may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.
2. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town of Boonville may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 12 months of notification, unless the Owner can demonstrate good cause for extending this period that is acceptable to the Town of Boonville.
3. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

Section 10.12 Effect on Other Laws

To the extent that any other Town of Boonville law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this (Article 10) (Including all provisions of the Building and Energy Code(s) concerning subdivisions or site plan applications, and applications to the Zoning Board of Appeals), this Article 10 shall control.

Section 10.13 Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Boonville Zoning Law Section 5.9

Section 10.14 Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 10.15 Requirements After Approvals: For Tier #3 Solar Energy Systems

1. Any post-construction changes or alterations to the Solar Energy System shall be done by amendment to the special use permit and site plan review and approval, with public hearing and subject to the requirements of this law.
2. After completion of the Solar Energy System, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to approved plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

Section 10.16 Insurance

The operator of the Solar Energy System shall obtain and maintain insurance, issued by an insurer authorized to do business in New York State, to the specifications and in an amount appropriate for the project. Such insurance shall name the Town of Boonville as an additional insured party. The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate may be restored.

Section 10.17 Indemnification

The applicant, owner and operator of the Solar Energy System shall release and hold harmless the Town of Boonville and all of its officers, officials, employees, appointees, agents, and servants from and against any and all liability and responsibility for any and all accidents, injuries and/or damages of any kind to persons (including death) or property arising out of the installation, construction, operation, maintenance, repair or removal of such system. The applicant, owner and operator shall indemnify and hold harmless the Town of Boonville and all of its officers, officials, employees, appointees, agents, and servants from any and all claims, suits, actions, damages, awards, judgements and costs of every nature, including reasonable attorneys' fees, arising out of the installation, construction, operation, maintenance, repair or removal of such system.

Section 10.18 Conflicting Provisions Repealed

Local Law No. One of the Year 2015 of the Town of Boonville, New York, entitled, "A Local Law to Amend the Existing Town of Boonville Zoning Law to Add Restrictive Provisions for Solar Collectors and Installations," is hereby repealed.

Section 10.19 Effective Date

Article 10 became effective upon its filing with the Secretary of State of the State of New York.

Appendix 1: Lot Size Requirements

The following table displays the minimum size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Lot Size Requirements

ZONING DISTRICT	Tier 3 Solar Energy Systems
Agriculture Rural A-R	Greater than 5 acres
Residential Suburban R-S	Greater than 3 acres
Comm. Light Industrial C-LI	Greater than 3 acres
Residential Recreation RR	----
Industrial District I	Greater than 3 acres
Planned Development P-D	Greater than 3 acres
Wellhead Protection W-P	----

Key:

----: Not Allowed

N/A: Not Applicable

Appendix 2: Parcel Line Setbacks

The following table provides parcel line minimum setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback,

Table 2: Parcel Line Setback Requirements

ZONING DISTRICT	Tier 3 Ground Mounted		
	Front	Side	Rear
Agriculture Rural A-R **	50	50	50
Residential Suburban R-S **	50	50	50
Comm. Light Industrial C-LI**	50	50	50
Residential Recreation RR	----	----	----
Industrial District I **	50	50	50
Planned Development P-D**	50	50	50
Wellhead Protection W-P	----	----	----

Key:

**** If bordering properties are existing residential use, then the setback shall be the greater of 100' from the property line or 250' from an occupied residence. Measurement from an existing public road is from edge of road right of way or existing road shoulder if no right of way exists.**

----: Not Allowed; N/A: Not Applicable

Appendix 3: Height Requirements

The following table displays maximum height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel at maximum tilt. This section does not apply to Interconnection substations and related equipment, including lightning protection structures installed at substation(s) for safety purposes, or utility poles needed to interconnect a Solar Energy System to the electric grid.

Table 3: *Height Requirements*

ZONING DISTRICT	Tier 2	Tier 3
Agriculture Rural A-R	15	15
Residential Suburban R-S	15	15
Comm. Light Industrial C-LI	15	15
Residential Recreation RR	10	----
Industrial District I	15	15
Planned Development P-D	10	10
Wellhead Protection W-P	15	----

Key:

----: Not Allowed

N/A: Not Applicable

Appendix 4: Maximum Lot Coverage Requirements

The following table displays the maximum lot coverage for Ground-Mounted Solar Energy Systems to be permitted. Refer to Section 9J4 for lot coverage calculation criteria.

Table 4: *Maximum Lot Coverage Requirements*

ZONING DISTRICT	Tier 3 Solar Energy Systems
Agriculture Rural A-R	20%
Residential Suburban R-S	30%
Comm. Light Industrial C-LI	50%
Residential Recreation RR	----
Industrial District I	50%
Planned Development P-D	30%
Wellhead Protection W-P	----

Key:

----: Not Allowed

N/A: Not Applicable

Appendix 5: Example Decommissioning Plan

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address]

Prepared and submitted by [Solar Developer Name], the owner of [SOLAR ENERGY PRODUCTION FACILITY]

As required by Town, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

- 1. The land lease, if any, ends
- 2. The system does not produce power for 12 months
- 3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

- 1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
- 2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- 3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.
- 4. Stabilization or re-vegetation of the site as necessary to minimize erosion.

All said removal and decommissioning shall occur within 12 months of notification that the Facility is ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning. Current owner shall notify any subsequent owners of this agreement and their continuing responsibility for these actions.

Facility Owner Name and Title: _____

Facility Owner Signature: _____ Date: _____

Acceptance:

Town of Boonville Representative Name and Position: _____

Town of Boonville Signature: _____ Date: _____

ARTICLE 11: WELLHEAD PROTECTION OVERLAY DISTRICT

Section 11.1 General Process

The Wellhead Protection Overlay District shall be considered as overlaying other districts as shown on the zoning map for the Town of Boonville. Any use not permitted in the underlying districts shall not be permitted in the Wellhead Protection Overlay District. Any uses permitted in the underlying districts shall be permitted in the Wellhead Protection Overlay District, except that where the Wellhead Protection Overlay District prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these regulations and any other existing regulations, the more restrictive regulations shall apply.

Section 11.2 Determination of Presence and Significance of the Wellhead Protection Overlay District

For the purposes of this Wellhead Protection Overlay District, there are hereby established within the Town of Boonville, certain Wellhead Protection Overlay Zones which consist of any aquifer, the land above an aquifer, and significant aquifer recharges areas. The establishment of these zones is confirmed by information set forth in the Local Wellhead Protection Program Study for the Village of Boonville Water Supply (December 1991), the Technical Guidance Memorandum (July 1994) prepared by the Boonville Wellhead Protection Advisory Committee, the "Wellhead Protection Area Delineation Study of the Municipal Commission of Boonville Wellhead" report prepared by C.T. Male Associates, P.C. (September 1993), the work conducted by the Boonville Wellhead Protection Advisory Committee, and numerous engineering reports prepared by the Boonville Municipal Water Supply. These Wellhead Protection Overlay Zones are delineated on the Wellhead Protection Overlay Zones map and are described as follows:

1. **Wellhead Protection Overlay Zone 1 (WPOZ-1):** As delineated, Wellhead Protection Overlay Zone 1 shall include the area within a circle with a radius of 700' around municipal well #1 and the area within a circle with a radius of 650' around municipal well #2. However, these radii shall not extend beyond the southwest boundaries of WPOZ-2. Wellhead Protection Overlay Zone 1 represents a portion of the cones of depression for municipal well #1 and municipal well #2 as defined by C.T. Male Associates, P.C. (September 1993).
2. **Wellhead Protection Overlay Zone 2 (WPOZ-2):** As delineated, Wellhead Protection Overlay Zone 2 shall include those areas within the composite zone of contribution for municipal well #1 and municipal well #2 as described in the Technical Guidance Memorandum (July 1994) prepared by the Boonville Wellhead Protection Advisory Committee which describes the rationale behind their selection of three wellhead protection zones. Wellhead Protection Overlay Zone 2 represents a combination of the zone of contribution for municipal well #1 and municipal well #2 delineated by the Herkimer-Oneida Counties Comprehensive Planning Program (Draft Technical Guidance Memorandum, September 1993) and the zone of contribution delineated for municipal well #1 and municipal well #2 by C.T. Male Associates, P.C. ("Wellhead Protection Area Delineation Study of the Municipal Commission of Boonville Wellfield" report, September 1993). Wellhead Protection Overlay Zone 2 excludes those areas already described as part of Wellhead Protection Overlay Zone 1.
3. **Wellhead Protection Overlay Zone 3 (WPOZ-3):** As delineated, Wellhead Protection Overlay Zone 3 shall include those areas within the Aquifer Recharge Area delineated by the "Wellhead Protection Area Delineation Study of the Municipal Commission of Boonville Wellfield" report prepared by C.T. Male Associates, P.C. (September 1993). Wellhead Protection Overlay Zone 3 excludes those areas already described as part of Wellhead Protection Overlay Zones 1 and 2.

Section 11.3 Compliance with SEQR for Actions Within the Wellhead Protection Overlay District

All uses in Wellhead Protection Overlay Zones WPOZ-1 and WPOZ-2 shall automatically be reviewed as a Type 1 action pursuant to the State Environmental Quality Review Act (SEQR), Part 617 of 6 NYCRR.

Section 11.4 Use Regulations for the Wellhead Protection Overlay District

1. **Prohibited Uses and Activities:** Within all of the Wellhead Protection Overlay Zones of the Wellhead Protection Overlay District, the following uses and activities are specifically prohibited:
 - a. chemical/bacteriological laboratories;

- b. sanitary landfills, including construction and demolition debris landfills;
 - c. salvage operations;
 - d. disposal of snow or sand that contains de-icing chemicals and that has been transported from areas outside the Wellhead Protection Overlay District;
 - e. storage of animal manure, not being used for the primary purpose of agriculture; and
 - f. surface land application or disposal of any hazardous substance, hazardous waste, petroleum, or radioactive material.
2. **Additional Prohibited Uses and Activities:** Additional prohibited uses and activities for each Wellhead Protection Overlay Zone are listed in Schedules B, C, and D.
 3. **Permitted Uses:** All uses currently permitted in the underlying district are permitted in the Wellhead Protection Overlay District subject to the additional requirements as indicated in Schedules B, C, and D, and Section 11.3 of this law

Section 11.5 Lot Coverage

1. For each use proposed within a specific Wellhead Protection Overlay Zone, the stricter requirement for maximum allowable lot coverage, whether it be specified within the underlying district or within the requirements for the Wellhead Protection Overlay District, shall apply.
2. The area of existing, natural vegetation to be left on a lot shall be located so as to increase the distances between any surface water body, private well, or municipal well and impervious surfaces, fertilized vegetation, and/or on-site stormwater disposal or individual sewage treatment systems.
3. **WPOZ-1:** Any proposed use on a lot shall not *exceed* 20% impervious surface area, or retain less than 40% of the existing, natural vegetation on the lot. Proposed areas of fertilized vegetation shall be located at the farthest practical location from any surface water body, private well, or municipal well.
4. **WPOZ-2:** Any proposed use on a lot shall not exceed 20% impervious surface area, or retain less than 20% of the existing, natural vegetation shall be located at the farthest practical location from any surface water body, private well, or municipal well.

Section 11.6 Runoff/Drainage

1. As may be indicated on Schedules B, C, and D, post-development conditions for a proposed use within a Wellhead Protection Overlay Zone shall result in no increase in the frequency and occurrence of stormwater runoff from pre-development conditions. In addition, the off-site impacts of erosion and sedimentation from the proposed use shall not be any greater during and following land disturbance activities than under pre-development conditions.
2. Stormwater runoff shall be treated to prevent water quality degradation of the receiving water body, including groundwater.
3. All stormwater runoff from impervious surface areas shall be diverted to a nearby surface water body. If a nearby surface water body is unavailable or if other physical constraints prevent such diversion, all stormwater runoff from impervious surfaces shall be recharged into the groundwater on the site via infiltration trenches or infiltration basins.
4. The stormwater recharge area shall be at the farthest point practical from the municipal wells.
5. Supplemental stormwater management practices such as open vegetated swales, vegetated buffer zones or filter strips may be used to compliment the infiltration trenches and infiltration basins. Supplemental stormwater management practices shall not be used as a substitute for infiltration trenches and infiltration basins.
6. The design of infiltration trenches, infiltration basins, open vegetated swales, vegetated buffer zones and filter strips shall be in accordance with the design criteria for these stormwater management techniques as described in Chapter 6 of the DEC manual, "Reducing the Impacts of Stormwater Runoff from New Development."
7. Dry wells shall be used only where other methods may not be feasible, as determined by the planning board, due to physical constraints of the site. Dry wells shall be equipped with oil, grease, and sediment traps.
8. Practices for controlling erosion and sedimentation shall be selected from the "New York Guidelines for Urban Erosion and Sediment Control" and the DEC manual, "Reducing the Impacts of Stormwater Runoff from New Development."
9. The applicant shall prepare a stormwater management and erosion control plan using the outline presented in Chapter 4 of the DEC manual, "Reducing the Impacts of Stormwater Runoff from New Development." The stormwater management and erosion control plan prepared by the applicant shall include, at a minimum, the following components:

- a. Background information about the scope of the project;
 - b. A statement of stormwater management, and erosion and sediment control objectives;
 - c. A comparison of post-development stormwater runoff conditions with pre-development conditions. The applicant shall submit calculations of the volume of stormwater runoff and peak stormwater discharge rates under pre-development and post-development conditions for each of the following: the one year, two-year, ten year, and 100 year, 24-hour storm event. The applicant shall use the methodology described in the USDA Natural Resource Conservation Service's TR-20 or TR-55;
 - d. A description of proposed structural and vegetative stormwater management measures, including treatment for the "first flush," to ensure that the quantity, temporal distribution, and quality of stormwater runoff during and after development is not substantially altered from pre-development conditions;
 - e. The applicant shall apply the standards and criteria for designing stormwater facilities to capture and treat the "first flush" as described in Chapters V and VI of the DEC manual, "Reducing the Impacts of Stormwater Runoff from New Development.";
 - f. A description of the temporary erosion and sediment control facilities to be used during land clearing, land grading, and the construction phase;
 - g. A description of the implementation schedule for staging of all stormwater management facilities that includes coordination with staging of erosion and sediment control facilities and construction activities; and
 - h. A maintenance plan that describes the type and frequency of maintenance required by the stormwater management, and erosion and sediment control facilities, arrangements for ensuring long-term maintenance of stormwater management, and erosion and sediment control facilities, back-up contingency plans, and the person(s) responsible for implementing the maintenance plan and performing the described maintenance.
10. The planning board, may require that, in addition to the preparation of a stormwater management and erosion control plan, the applicant prepares a concise summary report that presents the pertinent information and conclusions contained in the plan.

Section 11.7 Petroleum Storage

- 1. As may be indicated on Schedules B and C, a proposed use within WPOZ-1 and WPOZ-2 is required to meet the following standards for storage of petroleum in new or replacement storage tanks and/or containers:
 - a. The underground storage of petroleum is prohibited;
 - b. The outdoor, above-ground storage of petroleum, except used for on-site consumption, is prohibited;
 - c. The preferred method of storage for petroleum used for on-site consumption shall be the installation of storage tank(s) in the basement of or within the building where the petroleum will be consumed. Storage areas shall meet all applicable local, state, and federal requirements. If site conditions or other constraints prevent such installation, the following design standards shall be observed:
 - 1) outdoor, above-ground tanks for petroleum used for on-site consumption shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to capture at least 120% of the volume of the largest tank enclosed by the containment structure; and
 - 2) all outdoor, above-ground tanks for petroleum used for on-site consumption shall be equipped with visual gauges to monitor fluid levels.
 - d. Indoor storage areas for petroleum shall meet all applicable local, state and federal requirements and the design requirements listed below. Indoor storage areas for petroleum used for on-site consumption and the indoor storage of petroleum in quantities necessary for household use (operating lawn care equipment, recreational vehicles, snowblowers, *etc.*) shall be exempt from the design requirements for indoor storage areas. Petroleum shall be stored in containers equipped with a lid.
 - 1) All storage areas shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This secondary containment structure shall be designed to contain at least 120% of the volume of the largest container enclosed by the structure;

- 2) No storage areas shall be located in proximity to floor drains; and
 - 3) Storage areas shall be secured against unauthorized entry.
2. As may be indicated on Schedule D, a proposed use within WPOZ-3 is required to meet the following standards for storage of petroleum in new or replacement storage tanks and/or containers.
- a. The storage of petroleum in underground or above-ground tanks with a combined storage capacity of over 1,100 gallons shall be in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Petroleum Bulk Storage, 6 NYCRR 614. Additional design requirements for underground and aboveground storage tanks shall include the following:
 - 1) Piping for all underground storage tanks and all above-ground storage tanks shall be equipped with secondary containment constructed of product-tight materials;
 - 2) Piping for all underground storage tanks and all above-ground storage tanks shall be equipped with a leak monitoring system;
 - 3) All above-ground tanks shall be equipped with a dike, berm, or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest tank enclosed by the containment structure;
 - 4) All outdoor storage areas, loading docks, and product transfer areas shall be equipped with a permanent covering or roof to protect tanks from adverse weather conditions and to prevent stormwater from accumulating in the containment area;
 - 5) All loading docks and product transfer areas shall be equipped with a spill sump which empties into a holding tank to catch and store any spilled petroleum and accumulated stormwater within the containment area until such time as it can be removed and properly treated and/or disposed of.
 - 6) All above-ground tanks shall be equipped with visual gauges to monitor fluid levels; and
 - 7) Storage areas shall be secured against unauthorized entry.
 - b. Indoor storage areas for petroleum shall meet all applicable local, state and federal requirements and the design requirements listed below. Indoor storage areas for petroleum used for on-site consumption and the indoor storage of petroleum in quantities necessary for household use (operating lawn care equipment, recreational vehicles, snowblowers, etc.) shall be exempt from the design requirements for indoor storage areas.
 - 1) Petroleum shall be stored in containers equipped with a lid;
 - 2) All storage areas shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest container enclosed by the structure;
 - 3) No storage areas shall be located in proximity to floor drains; and
 - 4) Storage areas shall be secured against unauthorized entry.
3. A Spill Control Plan shall be prepared for any facility that stores petroleum. Facilities that only store petroleum for on-site consumption and the storage of petroleum in quantities necessary for normal household use (operating lawn care equipment, recreational vehicles, snowblowers, etc.) shall be exempt from the requirement to prepare a Spill Control Plan. The Spill Control Plan shall be posted in a conspicuous location. The Spill Control plan shall include, at a minimum, the following components:
- a. a site plan illustrating the direction of stormwater and groundwater flow;
 - b. a description of operational procedures;
 - c. a description of potential spill sources;
 - d. the spill response training program for the employees;
 - e. the names and telephone numbers of the person or persons responsible for responding to the spill;
 - f. the procedures for containing and cleaning up the spill; and,
 - g. the procedure for notifying the planning board, Municipal Commission, and other appropriate local and state officials of a spill, leak or other reportable discharge as defined in 6 NYCRR Part 613.

4. Following site development, the Municipal Commission of Boonville is authorized, at their discretion, to perform periodic inspections of facilities that use or store petroleum to ensure that these facilities pose no threat to the water supply. The Municipal Commission, or its designee(s), will notify the owner and/or his designee(s) by telephone and in writing of the planned inspection. The owner, and/or his designee(s), shall grant the Municipal Commission, or its designee(s), access to the site and the petroleum storage facilities for the purpose of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection. The purpose of these inspections is to ascertain whether storage containers for petroleum, including aboveground and underground storage tanks, are in good operating condition and the facility is in compliance with the applicable requirements and standards of this article. Any violations observed by the Municipal Commission, or its designee(s), shall be immediately reported, in writing, to the Town of Boonville Zoning enforcement officer.

Section 11.8 Hazardous Substance Storage

As may be indicated on Schedules B, C, and D, a proposed use within these districts is required to meet the following standards for storage of hazardous substances in new or replacement storage tanks or containers.

1. The underground storage or outdoor, above-ground storage of hazardous substances, including pesticides, herbicides, and fertilizers, is prohibited.
2. Indoor storage areas for quantities of hazardous substances, including pesticides, herbicides, and fertilizers, that total more than 250 pounds dry weight or 50 gallons liquid shall meet all applicable federal and state requirements and the additional design standards and requirements listed below. The indoor storage of hazardous substances, including pesticides, herbicides, and fertilizers, in their original sealed containers for the purpose of resale, shall only be exempt from the following three requirements and standards for indoor storage areas as specified in a), b) and c) below.
 - a. All products shall be stored in product-tight containers equipped with a lid.
 - b. Each container shall be clearly and visibly labeled.
 - c. Drip pans shall be located under the spigots of drums or containers that are stored in a horizontal position on racks to catch spills/leaks. Drip pans shall be routinely emptied and the contents recycled, reused, or disposed of appropriately.
 - d. All storage areas shall be equipped with a pad and a dike, berm or other containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest container enclosed by the structure.
 - e. Storage areas shall be inspected by the applicant at least once a week for signs of leaks or spills and the aisle space between containers shall be adequate to allow for inspections. A summary report, noting the results of weekly inspections, shall be prepared every six months and sent to the zoning enforcement officer.
 - f. Absorbent materials such as kitty litter, sawdust, soil, or clay shall be kept on hand for emergency cleanups and containment in the event of a spill.
 - g. No storage areas shall be located in proximity to floor drains.
 - h. Storage areas shall be secured against unauthorized entry.
 - i. An accurate log or inventory of materials stored on-site shall be maintained and provided to the zoning enforcement officer annually.
3. A Spill Control Plan shall be prepared and shall be posted in a conspicuous location. The indoor storage of hazardous substances, including pesticides, herbicides, and fertilizers, in quantities necessary for normal household use or agricultural use, shall be exempt from the requirement to prepare a Spill Control Plan. The Spill Control Plan shall include, at a minimum, the following components:
 - a. a site plan illustrating the direction of stormwater and groundwater flow;
 - b. a description of operational procedures;
 - c. a description of potential spill sources;
 - d. the spill response training program for the employees;
 - e. the names and telephone numbers of the person or persons responsible for responding to the spill;
 - f. the procedures for containing and cleaning up the spill; and
 - g. the procedure for notifying the planning board, Municipal Commission, and other appropriate local and state officials of a spill, leak or other reportable discharge as defined in 6 NYCRR Part 595 and Part 597.

4. Following site development, the Municipal Commission of Boonville is authorized, at their discretion, to perform periodic inspections of facilities that use or store hazardous substances to ensure that these facilities pose no threat to the water supply. The Municipal Commission or its designee(s) will notify the owner, and/or his designee(s), by telephone and in writing of the planned inspection. The owner, and/or his designee(s), shall grant the Municipal Commission or its designee(s) access to the site and the hazardous substance storage facilities for the purposes of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection. The purpose of these inspections is to ascertain whether above-ground storage containers for hazardous substances are in good operating condition and the facility is in compliance with the applicable requirements and standards of this article. Any violations observed by the Municipal Commission, or its designee(s), shall be immediately reported, in writing, to the Town of Boonville zoning enforcement officer.

Section 11.9 Density Requirements

1. For each use proposed within a specific Wellhead Protection Overlay Zone, the stricter requirement for density, whether it be specified within the underlying district or within the requirements for the Wellhead Protection Overlay District, shall apply.
2. In WPOZ-1 and WPOZ-2, the minimum lot size shall be as follows:
 - a. in areas with no public water and no public sewer, the minimum lot size shall be 75,000 square feet;
 - b. if the proposed use will be connected to either public water or public sewer, the minimum lot size shall be 50,000 square feet;
 - c. if the proposed use will be connected to public water and public sewer, the minimum lot size shall be 25,000 square feet.
3. In WPOZ-3, the minimum lot size shall be as follows:
 - a. in areas with no public water and no public sewer, the minimum lot size shall be 50,000 square feet;
 - b. if the proposed use will be connected to either public water or public sewer, the minimum lot size shall be 20,000 square feet.

Section 11.10 Individual Sewage Treatment System Design Requirements

1. Individual sewage treatment systems shall comply with all applicable requirements of Part 75 of the Administrative Rules and Regulations, Chapter 11 of Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York.
2. As may be indicated on Schedules B, C, and D, a proposed use within these zones is also required to meet the following standards for the design of residential and nonresidential individual sewage treatment systems.
 - a. Percolation tests shall be conducted during the wettest periods of the year (March, April, or May) to account for seasonal high groundwater conditions;
 - b. No floor drains shall be connected to the septic system; and
 - c. All individual sewage treatment systems installed to serve uses other than a single unit dwelling or a two unit dwelling shall be equipped with oil/grease separators to prevent clogging of the leaching field by fats, grease, and oil.

Section 11.11 Monitoring Wells

1. As may be indicated on Schedules B, C, and D, for a proposed use within these zones, a minimum of three groundwater monitoring wells shall be installed prior to site development for the purposes of evaluating pre-development and post-development groundwater quality, groundwater flow direction, and groundwater elevation,
2. As other regulations and setback requirements permit, one well shall be installed near an upgradient property boundary, one well shall be installed near a downgradient property boundary, and one well shall be installed between the two upgradient and downgradient wells to facilitate the calculation of groundwater flow direction.
3. The specific location of the monitoring wells shall be determined by a professional geologist, hydrogeologist, engineer, or other qualified expert trained and experienced in hydrogeology. The location of the monitoring wells shall be approved by the planning board prior to site development.

4. Prior to site development, a groundwater sample shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of nitrate-nitrogen, sodium, chloride, coliform bacteria and other appropriate parameters that represent each of the petroleum or hazardous substances proposed to be used, stored or disposed of onsite. Groundwater elevations shall also be recorded and groundwater flow direction shall be calculated.
5. Three months after site development has been completed, a groundwater sample shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of each of the parameters tested for under pre-development conditions. Groundwater elevations shall also be recorded and groundwater flow direction shall be calculated.
6. An Initial Summary Report shall be prepared that describes pre-development and post-development groundwater quality, groundwater elevation and groundwater flow direction. This Initial Summary Report shall be submitted to the zoning enforcement officer within six months of the completion of site development.
7. Following the submission of the Initial Summary Report, the applicant shall begin a monitoring program that includes one sampling event each year during the "wet" season, defined as the months of March, April, May, September, October or November. Groundwater samples shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of the parameters evaluated under pre-development conditions and/or additional parameters to reflect a change in the type of substances used, stored, or disposed of on-site. Groundwater elevations shall be recorded, and groundwater flow direction shall be calculated. An Annual Summary Report that describes trends in groundwater quality and groundwater flow direction shall be provided to the zoning enforcement officer within three months of the annual sampling event.
8. The costs of installing and operating the monitoring wells, including sampling and laboratory analysis, and preparing the required summary reports shall be borne by the owner or applicant. Access to the monitoring wells shall be provided to the planning board and/or its designees for purposes of any additional water quality sampling deemed appropriate by the planning board.
9. Manufacturing facilities utilizing non-hazardous materials or processes may petition the planning board to be excluded from the monitoring well requirement.

Section 11.12 Floor Drains

As may be indicated on Schedules B, C, and D, for a proposed use within these zones, floor drains are required to be connected to a holding tank or an oil and grit separating tank that is connected to the public sewer system. Floor drains which are connected to the sanitary sewer must meet discharge limits and permit requirements established by the Boonville Wastewater Treatment Plant.

Section 11.13 Hazardous Waste Storage and Disposal

1. As may be indicated on Schedules B, C, and D, for a proposed use within these zones is required to meet the following standards for hazardous waste disposal.
 - a. The underground storage or outdoor, above-ground storage of hazardous waste is prohibited; and
 - b. The owner or applicant shall demonstrate the availability and feasibility of indoor storage and proper disposal methods which are in conformance with all applicable local, state and federal laws for any hazardous waste to be produced in quantities greater than those associated with normal household or agricultural use. The owner or applicant shall also demonstrate that wastes will be properly handled and stored until disposal of by a licensed waste hauler.
2. If a spill control plan is required by this Law for the storage of petroleum or hazardous substances, the spill control plan shall include provisions for responding to an accidental discharge of hazardous waste and shall include, at a minimum, the following additional components that specifically address hazardous waste:
 - a. a description of potentially hazardous waste spill sources;
 - b. the hazardous waste spill response training program for the employees;

- c. the names, addresses, and telephone numbers of the person or persons responsible for responding to the hazardous *waste* spill;
 - d. the procedure for containing and cleaning up the hazardous waste spill; and
 - e. the procedure for notifying the planning board, Municipal Commission, and other appropriate local and state officials of a hazardous waste spill, leak or other reportable discharge as defined in 6 NYCRR Part 372, Hazardous Waste Manifest System and Related Standards for Generators, Transporters, and Facilities.
3. Following site development, the Boonville Municipal Commission is authorized, at their discretion, to perform periodic inspections of facilities that generate hazardous waste to ensure that these facilities pose no threat to the water supply. The Boonville Municipal Commission or its designee(s) will notify the owner and/or his designee(s) by telephone and in writing of the planned inspection. The owner and/or his designee(s) shall grant the Boonville Municipal Commission or its designee(s) access to the site and the hazardous waste storage facilities for the purposes of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection. The purpose of these inspections is to ascertain whether storage containers for hazardous wastes are in good operating condition and the facility is in compliance with the applicable requirements and standards of this article. Any violations observed by the Boonville Municipal Commission or its designee(s) shall be immediately reported, in writing, to the Town of Boonville zoning enforcement officer

Section 11.14 Road Salt Storage and Application

- 1. Safe alternatives to mad salt (defined as sodium chloride), such as calcium chloride and sand, shall be used whenever possible. Signs shall be posted along roadways that receive no salt or reduced salt application to inform motorists.
- 2. The outdoor, unprotected storage of road salt or a sand/salt mixture is prohibited.
- 3. As may be indicated on Schedule B, for a proposed use within WPOZ-1, the use of more than a 6% mixture of salt to sand (6% salt in a sand and salt mixture) is discouraged.

Section 11.15 Pesticide Application

- 1. WPOZ- 1: The application of a liquid or solid pesticide, herbicide, or fertilizer is prohibited.
- 2. As may be indicated on Schedules C and D, a proposed use within WPOZ-2 and WPOZ-3 is required to meet the following standards:
 - a. the application of liquid or solid pesticides, herbicides, or chemical fertilizers shall be performed in accordance with the recommendations and label of the manufacturer;
 - b. nonagricultural use of liquid or solid fertilizers, pesticides, and herbicides shall be in conformance with, the Best Management Practices described in materials developed by Cornell Cooperative Extension which are available from the municipal clerk's office and the planning board;
 - c. empty containers and unused pesticides and herbicides shall be disposed of properly, i.e., at the Oneida-Herkimer Solid Waste Management Authority's Household Hazardous Waste facility in Utica, New York;
 - d. property owners who enlist the services of a commercial pesticide or herbicide applicator shall ensure that the applicator is certified and licensed by the New York State Department of Environmental Conservation; and
 - e. agricultural use of liquid or solid fertilizers, including the land application of manure; and the use of liquid or solid pesticides, and herbicides shall be in conformance with the Best Management Practices described in the DEC Manual, "Controlling Agricultural Nonpoint Source Water Pollution in New York State - A Guide to the Selection of Best Management Practices to Improve and Protect Water Quality" and/or Best Management Practices as developed by the New York State Soil and Was Conservation Committee and implemented by the use of farm plans prepared by the Oneida County Soil and Water Conservation District.
- 3. As applicable, all pesticide and herbicide use and application shall be under permit as provided in New York State Environmental Conservation Law, Article 3, further:
 - a. Disposal of containers or unused pesticides and herbicides is prohibited except in accordance with the permit issued as provided in New York State Environmental Conservation Law, Article 33;
 - b. Disposal of water used for make-up water or for washing of equipment is prohibited except pursuant to permit issued as provided in New York State Environmental Conservation Law, Article 33; and
 - c. Use of streams or watercourses for make-up water or washing equipment used in conjunction with pesticides and herbicides is prohibited

ARTICLE 12. PLANNED DEVELOPMENT DISTRICT

Section 12.1 General

A Planned Development (PD) zone may be created and placed on the zoning map at such times as the town board may deem necessary and appropriate.

Section 12.2 Procedure

PD zones shall be created and developed through the following procedure:

1. An applicant for a PD zone shall submit a development plan to the town board in compliance with the requirements of Section 12.3 below. The submission of a development plan to the town board shall in no way bind the town board to holding a hearing upon, or acting upon a PD rezoning proposal;
2. The town board shall request the recommendation of the planning board on the suitability of the development plan and the advisability of PD zone designation;
3. Upon acceptance, of a development plan deemed necessary and appropriate by the town board, the board may hold hearing on, and may amend the zoning map designating a PD zone. In making its determination, the town board shall be guided by the considerations as outlined in Section 12.4 below. The town board may specify by ordinance or law the specific conditions or general guidelines which shall apply to the future development of the zone, as outlined in Section 12.5 below, upon approval of a PD zone designation; and
4. The planning board shall approve, approve with modifications, or disapprove site plans in PD zones as provided for in Article 6 of this Law. All site plans approved by the planning board shall be in accordance with the PD zone conditions or guidelines approved by the town board.

Section 12.3 Development Plan Requirements

The development plan shall be prepared by an architect, landscape architect, engineer, or land surveyor, and shall include the following information presented in drawn form and accompanied by a written text:

1. map of the property, drawn to scale, showing existing features of the site including land contours, existing buildings and other structures, major vegetation, roads, easements, rights-of-way and land use;
2. preliminary site plan, drawn to scale, showing proposed development and land uses;
3. traffic circulation, parking and loading spaces and pedestrian walks;
4. landscaping and grading plans; and
5. any other information deemed necessary by the town board.

Section 12.4 Rezoning Considerations

In determining the suitability of PD zone designation, the town board shall be guided by the following considerations:

1. the uses proposed will not be detrimental to present and potential surrounding uses;
2. land surrounding the proposed development is compatible in use, and can be planned in coordination with the proposed development;
3. the proposed change is in conformance with the general intent of the comprehensive plan;
4. existing and proposed roads are suitable and adequate to carry anticipated traffic within and around the proposed development;
5. existing and proposed public facilities and services are adequate for the proposed development; and
6. each phase of the proposed development, as it is proposed to be completed, contains the required parking, landscaping, and public facilities and services necessary for creating and sustaining a desirable and stable environment.

Section 12.5 Development Conditions or Guidelines

Conditions or guidelines which may be placed on a PD zone by the town board may include, but shall not be limited to:

1. the uses allowed in the zone;
2. any special requirements relating to yard sizes, building or surface coverage, the height or bulk of buildings, or the intensity of development;
3. the landscaping, screening, and buffering of the uses in the zone;
4. parking, loading, access and circulation requirements for motor vehicles;
5. pedestrian circulation;
6. the architectural design of buildings or structures;
7. the design and placement of accessory structures; and
8. specific site plans for either a portion of, or the entire zone.

ARTICLE 13: ZONING BOARD OF APPEALS

Section 13.1 General

A board of appeals is hereby established. It shall consist of five members, each to serve for a term of five 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 New York State Town Law. Vacancies occurring in said board shall be filled for such expired period only. The board of appeals shall have the duties, rights, powers and functions conferred upon it by Section 267 of the New York State Town Law and any other provisions of law or ordinance applicable thereto, including the following:

Section 13.2 Meetings

All meetings of the board of appeals shall be held at the call of the chairperson and at such other times as this board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board 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 13.3 Records

All decisions of the board shall be in writing, and a copy of each decision shall be sent to the applicant and to the enforcement officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the board shall immediately be filed in the office of the board and shall be a public record. Each decision shall set forth fully the reasons for the decision of the board and the findings of fact on which the standards of Sections 13.6 and 13.7 below where the appeal is for a use or area variance.

Section 13.4 Appeal

The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the enforcement officer and to that end shall have all the powers of the enforcement officer from whose order, requirement, or decision, interpretation or determination the appeal is taken.

The concurring vote of a majority of the board of appeals shall be necessary to reverse any order, requirement, decision, interpretation or determination of the enforcement officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Law or to affect any variation in this Law. Such appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the town. Such appeal shall be taken within 60 days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the enforcement officer, by filing with the board of appeals a notice of appeal specifying the grounds thereof. The enforcement officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Section 13.5 Stay

An appeal stays all proceedings in furtherance of the action appealed from unless the enforcement officer certified to the board of appeals after the notice of appeal shall have been filed with him/her that by reasons of acts stated in the certificate a stay would, in his his/her opinion, cause imminent peril to life or property. In that 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 record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 13.6 Area Variance

1. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the enforcement officer, to grant area variances as defined herein.
2. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - a. whether an undesirable change will be produced in the character of the neighborhood or adetriment to nearby properties will be created by the granting of the area variance;
 - b. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - c. whether the requested area variance is substantial;
 - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
3. 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.

Section 13.7 Use Variance

1. The board of appeals, on appeal from the decision or determination of the enforcement officer, shall have the power to grant use variances, as defined herein.
2. No use variance shall be granted by a 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,
 - a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. that the alleged hardship has not been self-created.
3. 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.

Section 13.8 Hearing and Determination

The board of appeals shall fix a reasonable time for the hearing of the appeal, shall give due notice thereof to the parties, and shall publish a notice at least once in the in a newspaper of general circulation in the town at least five days before the date of the hearing. The applicant shall bear the cost of advertising as required in connection with the hearing. At the hearing, any party may appear in person or by agent or by attorney. The board of appeals shall, within 62 days of the hearing date, render a decision on the matter before it. The concurring vote of a majority of the board of appeals shall be necessary to reverse any order, requirement, decision, interpretation or determination of the enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Law.

Section 13.9 Imposition of Conditions

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 the zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 13.10 Expiration of Variance

In the event that the use for which the variance was granted has not commenced within 12 months from the date of issuance, the variance shall be considered null and void.

ARTICLE 14: MISCELLANEOUS PROVISIONS

Section 14.1 Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 14.2 [Reserved] Pursuant to General Municipal Law Section 239-m. Town Law Section 265 and Municipal Home Rule Law Article 3

Section 14.3 [Reserved] Pursuant to General Municipal Law Section 239-m. Town Law Section 265 and Municipal Home Rule Law Article 3

Section 14.4 [Reserved] Pursuant to General Municipal Law Section 239-m. Town Law Section 265 and Municipal Home Rule Law Article 3

Section 14.5 Protest Petition

In case of a protest against such change signed by 1) the owners of 20% or more of the area of land included in such proposed change; or 2) the owners of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or 3) the owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the road frontage of such opposite land, such amendment shall require the approval of at least 10% of the members of the town board.

Section 14.6 Periodic Review of this Law

From time-to-time, at intervals of not more than five years, the planning board shall reexamine the provisions of this 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 the general welfare.

Section 14.7 Validity

Should any article, section, clause, or provision of this Law be declared by the courts to be invalid, the same shall not affect the validity of the Law as a whole or any part thereof other than the part so declared to be invalid and only to the extent of such invalidity.

Section 14.8 Conflicting Provisions Repealed

All Town Laws / ordinance or parts of ordinances in conflict with the provisions of this the Town of Boonville Zoning Law 2024 are repealed, rescinded and annulled. The ordinance entitled Interim Zoning Ordinance of the Town of Boonville, adopted on July 12, 1971, together with changes and amendments thereto, is hereby repealed and declared to be of no effect.

ARTICLE 15: BATTERY ENERGY STORAGE SYSTEMS RULES AND REGULATIONS

Section 15.1 Authority

This Article 15 is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); sections 261-263 of the Town Law of the State of New York, which authorize the Town of Boonville to adopt zoning provisions that advance and protect the health, safety and welfare of the community. This local law shall become effective upon its filing with the Secretary of State of the State of New York.

Section 15.2 Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of Town of Boonville by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
4. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

Section 15.3 Definitions

As used in this Article 15, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM (BESS): A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DECOMMISSIONING. A systematic process that provides documentation and procedures that allow an energy storage system to be safely deenergized, disassembled, readied for shipment or storage, and removed from the premise in accordance with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations;
2. No other occupancy types are permitted in the building;
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems; and
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located; and
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements identified in this Section.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UL: Underwriters Laboratory, an accredited standards developer in the US.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Section 15.4 Applicability

1. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in Town of Boonville after the effective date of this Local Law, excluding general maintenance and repair.
2. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
3. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

Section 15.5 General Requirements

1. A building permit, electrical permit and referenced "Battery Energy Storage Permit" shall be required for installation of all battery energy storage systems.
2. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
3. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Boonville Zoning Law.

Section 15.6 Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code, construction permit guidelines, other related Laws within the Town of Boonville Zoning Law and the "Battery Energy Storage System Permit," and shall be shown on plans submitted for the building permit application for the building containing the system. and exempt from site plan review.

1. Battery energy storage systems for one or two-family residential dwelling units shall not exceed an aggregate energy capacity of the following:
 - a. 40 kWh within utility closets and storage or utility spaces;
 - b. 80 kWh in attached or detached garages and detached accessory structures;
 - c. 80 kWh on exterior walls; and
 - d. 80 kWh outdoors on the ground.
2. All outside Tier 1 Battery Energy Storage Systems shall only be installed in side or rear yards and meet the minimum lot size and standard setbacks in the zoning district for principal structures. Heights are limited to 6.5 ft for any external battery energy storage systems.
3. All outside Tier 1 Battery Energy Storage Systems shall provide a Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
4. All outside Tier 1 Battery Energy Storage Systems shall not have an area greater than 225 square feet for a single energy storage system and all systems in the aggregate shall not occupy more than 25% of the area of the required rear or side yard.

Items noted in a-d above are from the 2020 Residential Code of NYS Section R327 (Energy Storage Systems)

Section 15.7 Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a special use permit within the Agriculture Rural, Commercial Light Industrial, Industrial, Planned Development, and Residential Suburban zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

1. **Applications:** for the installation of Tier 2 Battery Energy Storage System shall be:
 - a. reviewed by the Town Code Enforcement/Zoning Enforcement Officer and/or Town Planning Board for completeness. An application shall be complete when it addresses all m alters listed in this Local Law including, but not necessarily limited to, (I) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) m alters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site-Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - b. subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Boonville shall schedule a Public Hearing within 62 days of notifying the applicant of a complete application. The Planning Board of the Town of Boonville shall have a notice printed in a newspaper of general circulation in the Town of Boonville at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class m ail to adjoining landowners or landowners within 500 feet of the property at least 10 days prior to such a hearing. Proof of m ailing shall be provided to the Planning Board at the public hearing.

- c. referred to the Oneida County Planning Department pursuant to General Municipal Law § 239-m if required.
 - d. upon closing of the public hearing, the Town of Boonville Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.
 - e. Subject to any other provisions of the Town of Boonville Zoning Law.
- 2. Utility Lines and Electrical Circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the possible exception of the high voltage facilities utilized to complete the connection between the electric grid system and the Operators Battery Storage Facility.
- 3. Signage.**
- a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage system s, any special hazards associated, the type of suppression system installed in the area of battery energy storage system s, and 24-hour emergency contact information, including reach-back phone number. Signage shall be placed as a minimum on all access gates.
 - b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- 4. Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- 5. Vegetation and tree-cutting.** Areas within 20feet on each side of Tier 2 Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire or prohibit emergency access. Removal of trees should be minimized to the extent possible.
- 6. Noise.** The [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations or as specified by the Town or its representative at the perimeter (property line) of the battery energy storage system to demonstrate compliance with this standard.
- 7. Decommissioning.**
- a. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from of the facility. Battery Energy Storage Systems (BESS) excepting interconnection equipment turned over to the Utility operator, that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Boonville. Details and proof of Interconnection equipment that was transferred to the Utility operator shall be provided to the Town of Boonville at startup. The owner or operator shall notify the Town of Boonville Code Enforcement Officer by certified mail of the proposed date of discontinued operation and plans for removal. A decommissioning plan signed by the owner and/or

operator of the Battery Energy Storage System and accepted by the Town of Boonville shall be submitted by the applicant, as part of the application. The decommissioning plan shall include:

- 1) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - 3) The anticipated life of the battery energy storage system;
 - 4) The estimated decommissioning costs and how said estimate was determined;
 - 5) The method of ensuring that funds will be available for decommissioning and restoration;
 - 6) The method by which the decommissioning cost will be kept current;
 - 7) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - 8) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- b. Decommissioning Fund (Security by the Owner and / or Operator).
- 1) The deposit, executions, or filing with the Town of Boonville Clerk of cash, bond, or other form of security reasonably acceptable to the Town of Boonville Attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125 % of the cost of removal of the Tier 2 BESS and restoration of the property with an escalator of 2 % annually for the life of the BESS. The applicant's estimate shall be prepared by a qualified engineer, setting forth the costs associated with decommissioning the BESS at issue.
 - 2) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Boonville, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
 - 3) In the event of default or abandonment of the BESS, the system shall be decommissioned as set forth herein. All costs of the financial security shall be borne by the applicant.

8. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. The site plan application shall include the following information as a minimum. (Use of the "Battery Energy Storage System" Permit does not require duplication of this information).

- a. Property lines and physical features, including buildings, roads, for the project site.
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- c. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- d. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

- e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- f. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- g. Zoning district designation for the parcel(s) of land comprising the project site.
- h. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Town Code Enforcement/Zoning Enforcement Officer and/or a Town designated party prior to final inspection and approval and maintained at an approved on-site location.
- i. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- j. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- k. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards if applicable, and to such standards as may be established by the Town Planning Board.
- l. Prior to the issuance of the building permit or final approval by the Town Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- m. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire departments, local fire code official and Town Code Enforcement/Zoning Enforcement Officer. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. Any revisions to the initial plan shall be provided to all designated parties within 30 days of issue. The emergency operations plan shall include the following information:
 - 1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under
 - i. emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
 - 2) Procedures for inspection and testing of associated alarms, interlocks, and controls;
 - 3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
 - 4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
 - 5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;

- 6) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;
 - 7) other procedures as determined necessary by the Town of Boonville to provide for the safety of occupants, neighboring properties, and emergency responders; and
 - 8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures prior to commissioning and during operation.
- n. Proof of Insurance: The applicant and the owners of the property where the Solar Energy System is to be located shall file with the Town of Boonville Code Enforcement Officer proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with the construction and operation of the facility.
 - o. A completed SEQRA (Full EAF) shall be filed by the applicant with the application.

9. Special Use Permit Standards.

- a. Setbacks. Tier 2 Battery Energy Storage Systems shall have setbacks of 100' minimum from the front, side and back property lines. If bordering properties are existing residential use, then the setback shall be the greater of 100' from the property line or 250' from an occupied residence. Measurements from an existing public road is from edge of road right of way or existing road shoulder if no right of way exists.
- b. Height. Tier 2 Battery Energy Storage Systems shall comply with a building height of 15' maximum.
- c. Fencing Requirements. For Tier 2 Battery Energy Storage Systems. All mechanical equipment including any structure for storage batteries, shall be enclosed by a 7-foot-high fence as required by the NEC, with self-locking gates to prevent unauthorized access. There shall be created and maintained within the security fence and components, structures, or fixtures of the battery energy storage system, a clear and unobstructed buffer area of at least 20' in width encircling the entire perimeter of the facility, with a surface and grade suitable for the safe passage of fire trucks and other emergency service vehicles.
- d. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

10. Ownership Changes.

If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Town of Boonville Code Enforcement Officer of such change in ownership within 30 days of the ownership change. A new owner or operator must provide such notification to the Town of Boonville Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law. All necessary Emergency contact information and signage shall be updated within 30 days.

11. Escrow Agreement:

- a. The Town of Boonville may require the applicant seeking to develop any Tier 2 Battery Energy Storage System to fund an escrow agreement or to sign a developer's agreement to cover the amount by which the Town of Boonville's estimated costs and expenses of review, including reasonable legal and engineering fees, exceed (or will exceed) the application fees paid by the applicant.
- b. The Town of Boonville may also include a separate agreement, coverage or bonding to protect the integrity of Town roads during this construction activity.

Section 15.8 Safety

1. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a. UL 1973 (Standard for Batteries for use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
 - b. UL 1642 (Standard for Lithium Batteries);
 - c. UL 1741 or UL 62109 (Inverters and Power Converters);
 - d. Certified under the applicable electrical, building, and fire prevention codes as required; and
 - e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
2. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
3. **Components Exposure.** Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA70.
4. **Fire Department Coordination.** For Tier 2 BESS, The Owner and/or Operator shall provide a copy of the project site plans and electrical schematic to the responsible local Fire Chief. Upon request, the Owner and/or Operator shall cooperate with local emergency services in developing an emergency response plan. The Owner and/or Operator shall offer on-site safety training to all local fire departments prior to operation, and a reoccurring refresher training as requested by the local fire departments. The Owner and/or Operator shall specify a responsible person with access phone number for public inquiries throughout the life of the installation. Emergency contact number shall be displayed at the entrance to the facilities.

Section 15.9. Permit Time Frame and Abandonment

1. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 18 months, provided that a building permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 18 months after approval, Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.
2. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

Section 15.10 Enforcement

Any violation of this Article 15 shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of Section 5.9 of this Law.

Section 15.11 Insurance

The operator of the Solar Energy System shall obtain and maintain insurance, issued by an insurer authorized to do business in New York State, to the specifications and in an amount appropriate for the project. Such insurance shall name the Town of Boonville as an additional insured party. The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate may be restored.

Section 15.12 Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 15.13 Effect on Other Laws

To the extent that any other Town of Boonville law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Article 15 (Including all provisions of the Building and Energy Code(s) concerning subdivisions or site plan applications, and applications to the Zoning Board of Appeals), this Article 15 shall control. If a Battery Energy Storage System is part of a Tier 3 Solar Energy System, Article 10 of this Law shall be applicable.

Section 15.14 Requirements After Approvals: For Tier 2 Battery Energy Storage Systems

1. Any post-construction changes or alterations to the Battery Energy Storage System shall be done by amendment to the special use permit and site plan review and approval, with public hearing and subject to the requirements of this law.
2. After completion of the Battery Energy Storage System, the applicant shall provide a post-construction certification from a professional engineer registered in New York State that the project complies with applicable codes and industry practices and has been constructed and is operating according to approved plans. The applicant shall further provide certification from the utility that the facility has been inspected and connected.

Section 15.15. Indemnification

The applicant, owner and operator of the Battery Energy Storage System shall release and hold harmless the Town of Boonville and all of its officers, officials, employees, appointees, agents, and servants from and against any and all liability and responsibility for any and all accidents, injuries and/or damages of any kind to persons (including death) or property arising out of the installation, construction, operation, maintenance, repair or removal of such system. The applicant, owner and operator shall indemnify and hold harmless the Town of Boonville and all of its officers, officials, employees, appointees, agents, and servants from any and all claims, suits, actions, damages, awards, judgements and costs of every nature, including reasonable attorneys' fees, arising out of the installation, construction, operation, maintenance, repair or removal of such system.

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)
A-R AGRICULTURAL RURAL	Agriculture		3 acres	—	—	—	—	—	—	—
	Forestry		3 acres	—	—	—	—	—	—	—
	Recreation (undeveloped)		3 acres	—	—	—	—	—	—	—
	Single-Unit Dwelling		75,000	300	10	40	50	40	100	75
	Two-Unit Dwelling		75,000	300	10	40	50	40	100	75
		Multi-Unit Dwelling *	75,000	300	10	40	50	40	100	75
	Manufactured Home		75,000	300	10	25	50	40	100	75
	Horticultural Operation		3 acres	300	-	25	50	40	100	75
	Garage		75,000	300	10	40	50	40	100	75
		Child Day Care Center	75,000	300	10	25	50	40	100	75
		Commercial Excavation	3 acres	300	-	-	50	50	100	100
		Recreation (developed)	3 acres	300	-	40	50	40	100	75
		Home-Based Business	—	300	-	-	-	-	-	-
		Telecommunications Tower*	3 acres	300	-	25	100	100	200	100
		Airport/Landing Strip	10 acres	400	-	25	300	300	600	300
		Recreational Campsite	3 acres	300	-	25	50	50	100	100

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)	
A-R AGRICULTURAL RURAL (Continued)		Manufactured Home Park	3 acres	300	50	25	100	50	100	100	
		Essential Facility	—	—	—	—	—	—	—	—	
		Agricultural Equipment Sale, Rental and Service Establishment	3 acres	300	10	40	100	100	200	100	
		Office	75,000	300	10	40	50	40	100	75	
		Repair Service Establishment	75,000	300	10	25	50	50	100	75	
		Veterinary Hospital	3 acres	300	10	25	100	100	200	100	
		Wayside Stand	—	—	—	15	25	50	100	—	
		Welding Shop	75,000	300	10	25	100	100	200	100	
		Religious Institution*	75,000	300	10	40	100	100	200	100	
		Shooting Preserve*	200 acres	300	10	25	100	100	200	100	
		Wind Power Generating facility*								—	
		Solar Energy Systems Battery Energy Storage Systems * see Article 10 and 15			—	—	—	—	—	—	—

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)
R-S Residential Suburban	Agriculture		10 acres	—	—	—	—	—	—	—
	Forestry		3 acres	—	—	—	—	—	—	—
	Recreation (undeveloped)		3 acres	—	—	—	—	—	—	—
	Single-Unit AND Two-Unit Dwelling with no public water and no public sewer		30,000	150	20	40	30	25	50	25
	Single-Unit AND Two-Unit Dwelling with either public water OR public sewer		20,000	100	20	40	30	20	40	25
	Single-Unit AND Two-Unit Dwelling with both public water AND public sewer		12,000	80	20	40	30	15	30	25
	Manufactured Home with no public water and no public sewer		30,000	150	20	25	30	25	30	25
	Manufactured Home with either public water OR public sewer		20,000	100	20	25	30	20	40	25
	Manufactured Home with both public water AND Sewer		12,000	80	20	25	30	15	30	25
	Garage		30,000	150	20	40	30	25	50	25

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)
R-S Residential Suburban (Continued)		Child Day Care Center	40,000	100	30	25	30	20	40	25
		Recreation (developed)	40,000	100	-	40	30	20	40	25
		Home-Based Business	—	—	—	—	—	—	—	—
		Multi-Unit Dwelling (with both public sewer AND water only)	40,000	100	50	40	30	20	40	25
		Horticultural Operation	40,000	100	50	25	30	20	40	25
		Social Institution	40,000	100	30	40	30	20	40	25
		Religious Institution*	40,000	100	30	40	30	20	40	25
		Health Care	40,000	100	30	40	30	20	40	25
		Funeral Home*	40,000	100	30	40	30	20	40	25
		Essential Facility	—	—	—	—	—	—	—	—
		Office	40,000	100	50	25	30	20	40	25
		Wayside Stand	—	—	—	15	25	20	40	—
		Wind Power Generating facility*								—
	Solar Energy Systems Battery Energy Storage Systems* see Article 10 and 15			—	—	—	—	—	—	

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)	
C-LI Commercial - Light Industrial	Single-Unit AND Two-Unit Dwelling		30,000	150	20	40	30	25	50	25	
	Garage		30,000	150	20	40	30	25	50	25	
		Retail/Wholesale Trades	40,000	100	50	40	30	20	40	25	
		Tourist Accommodations	40,000	100	50	40	30	20	40	25	
		Restaurant	40,000	100	50	40	30	20	40	25	
		Motor Vehicle Sales	40,000	100	50	40	30	20	40	25	
		Fuel Depot	40,000	100	50	40	30	20	40	25	
		Commercial Excavation	40,000	100	50	-	50	50	100	100	
		Salvage Operation	40,000	100	50	20	30	20	40	25	
		Essential Facility		—	—	—	—	—	—	—	
		Agricultural Equipment Sale, Rental and Service Establishment		40,000	100	50	40	30	20	40	25
		Manufacturing		—	—	—	—	—	—	—	
	Child Day Care Center		40000	100	50	20	30	20	40	25	

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)
C-LI Commercial - Light Industrial (Continued)		Motor Vehicle Service Establishment	40,000	100	50	40	30	20	40	25
		Office	40,000	100	50	40	30	20	40	25
		Repair Service Establishment	40,000	100	50	40	30	20	40	25
		Veterinary Hospital	40,000	100	50	40	30	20	40	25
		Wayside Stand	—	—	—	15	25	20	40	—
		Welding Shop	40,000	100	50	40	30	20	40	25
		Funeral Home"	40,000	100	50	40	30	20	40	25
		Home Based Business	—	—	—	—	—	—	—	—
		Religious Institution*	40,000	100	50	40	30	20	40	25
		Adult Entertainment Use*	40,000	100	50	40	30	20	40	25
		Wind Power Generating facility*								—
	Solar Energy Systems Battery Energy Storage Systems * see Article 10 and 15									

Schedule A — Town of Boonville Zoning Districts

DISTRICT	PERMITTED PRINCIPAL USES	SITE PLAN REVIEW USES (Planning Board) *Special use review required	MINIMUM LOT AREA (in Square Feet unless noted otherwise)	MINIMUM WIDTH OR FRONTAGE (in Feet)	MAXIMUM COVERAGE (in Percent)	BUILDING HEIGHT MAXIMUM (in Feet)	MINIMUM FRONT YARD DEPTH (in Feet)	MINIMUM YARD WIDTH, ONE SIDE (in Feet)	MINIMUM YARD WIDTH, TOTAL OF BOTH SIDES (in Feet)	MINIMUM REAR YARD DEPTH (in Feet)
R-R Residential Recreation		Single-unit dwelling	—	50	30	40	50	12	24	50
		Minor Wind Power Generating facility*							—	
		Solar Energy Systems Battery Energy Storage Systems * see Article 10 and 15	—	—	—	—	—	—	—	—

For RR Districts, only actions that impact the principal structures/occupied space in square footage to include decks need to be issued to the Planning Board for Site Plan review. Unless the Zoning Officer determines that Planning Board review should occur for a specific action. NOTE: Other Agencies may have Jurisdiction.

Town of Boonville Schedule B: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE I USE	Prohibited Uses	REQUIREMENTS / STANDARDS									
		Lot coverage	Run off Drainage	petroleum storage	Hazardous Substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application
Single - Unit Dwelling	o										
Manufactured Home	o										
Two - Unit Dwelling	o										
Mufti - Unit Dwelling (not connected to public water and sewer)	o										
Multi - Unit Dwelling (Connected to public water and sewer)	o										
Manufactured. Home Park (not connected to public water and sewer)	o										
Manufactured Horne Park (connected to public water and sewer)	o										
Home Occupation	o										
Public Utility		o	o	o	o		o		o	o	o
Airstrips / Airports	o										
Agricultural	o										
Agricultural: Equipment Sales/Rental/Service	o										
Commercial Excavation	o										
Forestry	o										
Fuel Depot	o										
Funeral Home (hot connected to public water and sewer)	o										
Funeral Home (connected to public water and Sewer)	o										
Heath Cara (not connected to public water and sewer)	o										
Health care (connected to public water and sewer)	o										
Horticultural Operation	o										
Manufacturing	o										
Motor Vehicle Sales	o										
Motor Vehicle Services (not connected to public Water and sewer)	o										
Motor Vehicle Service (connected to public water and newer)	o										
Office	o										
Radio / TV Facilities		o	o	o	o		o		o	o	o
Recreational (developed)	o										
Recreational (undeveloped)	o										
Recreational Campsite	o										
Religious Institutions	o										
Repair Service Establishments	o										
Restaurant	o										
Retail / Wholesale Trades	o										
Social Institutions	o										
Tourist Accommodations (not. connected to public water and sewer)	o										
Tourist Accommodations (connected to public water and sewer)	o										
Veterinary Hospital (not connected public: water and sewer)	o										
Veterinary Hospital (connected to public Water and Sewer)	o										
Welding Shop (not connected to public water and sewer)	o										
Welding Shop (connected to public water and sewer)	o										
Animal Feed lots	o										
Boat Service Repair (not connected to public water and sewer)	o										
Boat Service Repair (connected to public water and sewer)	o										
Car Wash (not connected to public water and sewer)	o										
Car Wash (connected to public water and sewer)	o										
Chemical / Bacteriological Labs	o										
Dry Cleaning (on site)	o										
Furniture Stripping / Painting	o										

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

Town of Boonville Schedule B: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE I USE (Continued)	Prohibited Uses	REQUIREMENTS / STANDARDS										
		Lot coverage	Run off Drainage	petroleum storage	Hazardous Substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application	Pesticide Application
Laundromat (not connected to public water and sewer)	o											
Laundromat (connected to public water and sewer)	o											
Metal Plating/ Finishing (not Connected republic water and sewer)	o											
Metal Plating/Finishing (connected to public water and sewer)	o											
Photo Processing (not connected to public water and sewer)	o											
Photo Processing (connected to public water and sewer)	o											
Trucking or Bus Terminal	o											
Wood Preserving (not connected to public water and sewer)	o											
Wood Preserving (connected to public water and sewer)	o											

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

Town of Boonville Schedule C: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE 2 USE	Prohibited Uses	REQUIREMENTS / STANDARDS										
		Lot coverage	Run off Drainage	Petroleum storage	Hazardous substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application	Pesticide Application
Single - Unit Dwelling		o		o		o	o					o
Manufactured Home		o		o		o	o					o
Two - Unit Dwelling		o		o		o	o					o
Mufti - Unit Dwelling (not connected to public water and sewer)	o											
Multi - Unit Dwelling (Connected to public water and sewer)	o											
Manufactured Home Park (not connected to public water and sewer)	o											
Manufactured Home Park (connected to public water and sewer)	o											
Home Occupation				o	o				o	o		
Public Utility		o	o	o	o		o		o	o	o	o
Airstrips / Airports	o											
Agricultural	o											
Agricultural: Equipment Sales/Rental/Service	o											
Commercial Excavation	o											
Forestry	o											
Fuel Depot			o									o
Funeral Home (not connected to public water and sewer)	o											
Funeral Home (connected to public water and Sewer)	o											
Heath Cara (not connected to public water and sewer)	o											
Health care (connected to public water and sewer)	o											
Horticultural Operation	o											
Manufacturing	o											
Motor Vehicle Sales	o											
Motor Vehicle Services (not connected to public water and sewer)	o											
Motor Vehicle Service (connected to public water and newer)	o											
Office		o	o	o	o	o	o		o		o	o
Radio / TV Facilities		o	o	o	o	o	o		o		o	o
Recreational (developed)		o	o	o	o	o	o		o		o	o
Recreational (undeveloped)		o	o			o					o	o
Recreational Campsite	o					o						
Religious Institutions		o	o	o		o	o		o		o	o
Repair Service Establishments		o	o	o	o	o	o		o	o	o	o
Restaurant		o	o	o		o	o		o		o	o
Retail / Wholesale Trades		o	o	o	o	o	o		o		o	o
Social Institutions		o	o	o		o	o		o		o	o
Tourist Accommodations (not connected to public water and sewer)	o											
Tourist Accommodations (connected to public water and sewer)	o											
Veterinary Hospital (not connected to public water and sewer)	o											
Veterinary Hospital (connected to public Water and Sewer)	o											
Welding Shop (not connected to public water and sewer)	o											
Welding Shop (connected to public water and sewer)	o											
Animal Feed lots	o											
Boat Service Repair (not connected to public water and sewer)	o											
Boat Service Repair (connected to public water and sewer)	o											
Car Wash (not connected to public water and sewer)	o											
Car Wash (connected to public water and sewer)	o											
Chemical / Bacteriological Labs	o											
Dry Cleaning (on site)	o											

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

Town of Boonville Schedule C: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE 2 USE (Continued)	Prohibited Uses	REQUIREMENTS / STANDARDS										
		Lot coverage	Run off Drainage	petroleum storage	Hazardous Substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application	Pesticide Application
Furniture Stripping / Painting	o											
Laundromat (not connected to public water and sewer)	o											
Laundromat (connected to public water and sewer)	o											
Metal Plating/Finishing (not Connected republic water and sewer)	o											
Metal Plating/Finishing (connected to public water and sewer)	o											
Photo Processing (not connected to public water and sewer)	o											
Photo Processing (connected to public water end sewer)	o											
Trucking or Bus Terminal	o											
Wood Preserving (not connected to public water and sewer)	o											
Wood Preserving (connected to public water and sewer)	o											

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

Town of Boonville Schedule D: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE 3 USE	Prohibited Uses	REQUIREMENTS / STANDARDS										
		Lot coverage	Run off Drainage	Petroleum storage	Hazardous Substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application	Pesticide Application
Single - Unit Dwelling		o		o		o	o					o
Manufactured Home		o		o		o	o					o
Two - Unit Dwelling		o		o		o	o					o
Mufti - Unit Dwelling (not connected to public water and sewer)	o											
Multi - Unit Dwelling (Connected to public water and sewer)		o	o	o	o	o					o	o
Manufactured. Home Park (not connected to public water and sewer)	o											
Manufactured Home Park (connected to public water and sewer)		o	o	o	o	o					o	o
Home Occupation				o	o				o	o		
Public Utility		o	o	o	o		o		o	o	o	o
Airstrips / Airports	o											
Agricultural			o	o		o						o
Agricultural Equipment Sales/Rental/Service		o	o	o	o	o	o		o	o	o	o
Commercial Excavation	o											
Forestry			o									o
Fuel Depot	o											
Funeral Home (not connected to public water and sewer)	o											
Funeral Home (connected to public water: and Sewer)		o	o	o	o	o			o	o	o	o
Healthcare (not connected to public water and sewer)	o											
Healthcare (connected to public water and sewer)		o	o	o	o	o			o	o	o	o
Horticultural Operation		o	o	o	o	o	o		o	o	o	o
Manufacturing	o											
Motor Vehicle Sales		o	o	o	o	o	o		o	o	o	o
Motor Vehicle Services (not connected to public water and sewer)	o											
Motor Vehicle Service (connected to public water and newer)		o	o	o	o	o			o	o	o	o
Office		o	o	o	o	o	o		o		o	o
Radio / TV Facilities		o	o	o	o	o	o		o		o	o
Recreational (developed)		o	o	o	o	o	o		o		o	o
Recreational (undeveloped)		o	o			o					o	o
Recreational Campsite		o	o	o	o	o	o		o		o	o
Religious Institutions		o	o	o		o	o				o	o
Repair Service Establishments		o	o	o	o	o	o		o	o	o	o
Restaurant		o	o	o		o	o				o	o
Retail / Wholesale Trades		o	o	o	o	o	o		o		o	o
Social Institutions		o	o	o		o	o				o	o
Tourist Accommodations (not: connected to public water and sewer)	o											
Tourist Accommodations (connected to public water and sewer)		o	o	o		o			o		o	o
Veterinary Hospital (not connected to public: water and sewer)	o											
Veterinary Hospital (connected to public Water and Sewer)		o	o	o	o	o			o		o	o
Welding shop (not connected to public water and sewer)	o											
Welding Shop (connected to public water and sewer)	o											
Animal Feed lots	o											
Boat Service Repair (not connected to public water and sewer)	o			o								
Boat Service Repair (connected to public water and sewer)	o											
Car Wash (not connected to public water and sewer)	o											
Car Wash (connected to public water and sewer)	o											
Chemical / Bacteriological Labs	o											
Dry Cleaning (on site)	o											

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

Town of Boonville Schedule D: Additional Requirements for Uses Within the Wellhead Protection Overlay District 2014

WELLHEAD PROTECTION OVERLAY ZONE 3 USE (Continued)	Prohibited Uses	REQUIREMENTS / STANDARDS									
		Lot coverage	Run off Drainage	petroleum storage	Hazardous Substance Storage	Density Requirements	Industrial sewage treatment system Design requirements	Monitoring Wells	Floor Drains	Hazardous Waste Storage and Disposal	Road Salt Storage and application
Furniture Stripping / Painting	o										
Laundromat (not connected to public water and sewer)	o										
Laundromat (connected to public water and sewer)		o	o	o		o		o		o	o
Metal Plating/Finishing (not Connected republic water and sewer)	o										
Metal Plating/Finishing (connected to public water and sewer)	o										
Photo Processing (not connected to public water and sewer)	o										
Photo Processing (connected to public water and sewer)	o										
Trucking or Bus Terminal	o										
Wood Preserving (not connected to public water and sewer)	o										
Wood Preserving (connected to public water and sewer)	o										

o Means the proposed use must comply with the requirements or Standards indicated Within Article 11 of the Town of Boonville Zoning Law

**Schedule F: Listing of Additional Town of Boonville Laws related to zoning For Reference
Disclaimer: This may not be a up to date or complete list of local laws.**

Unsafe Buildings Law Local Law 2 of 2006

Subdivision Control Law”, June 1989, Update 2006

Sewer Use Law Local Law No. 3 For 2009,

Prohibition of and Moratorium Local Law No. 2 of the year 2011,
On Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and
Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes”

Prohibition of Clutter, and Litter and Debris in the Town of Boonville Law No.1 of 1998,

Flood damage Prevention Local Law No.2 of the Year 2013, “

Dog Control Law Local Law No,2 For 2009,

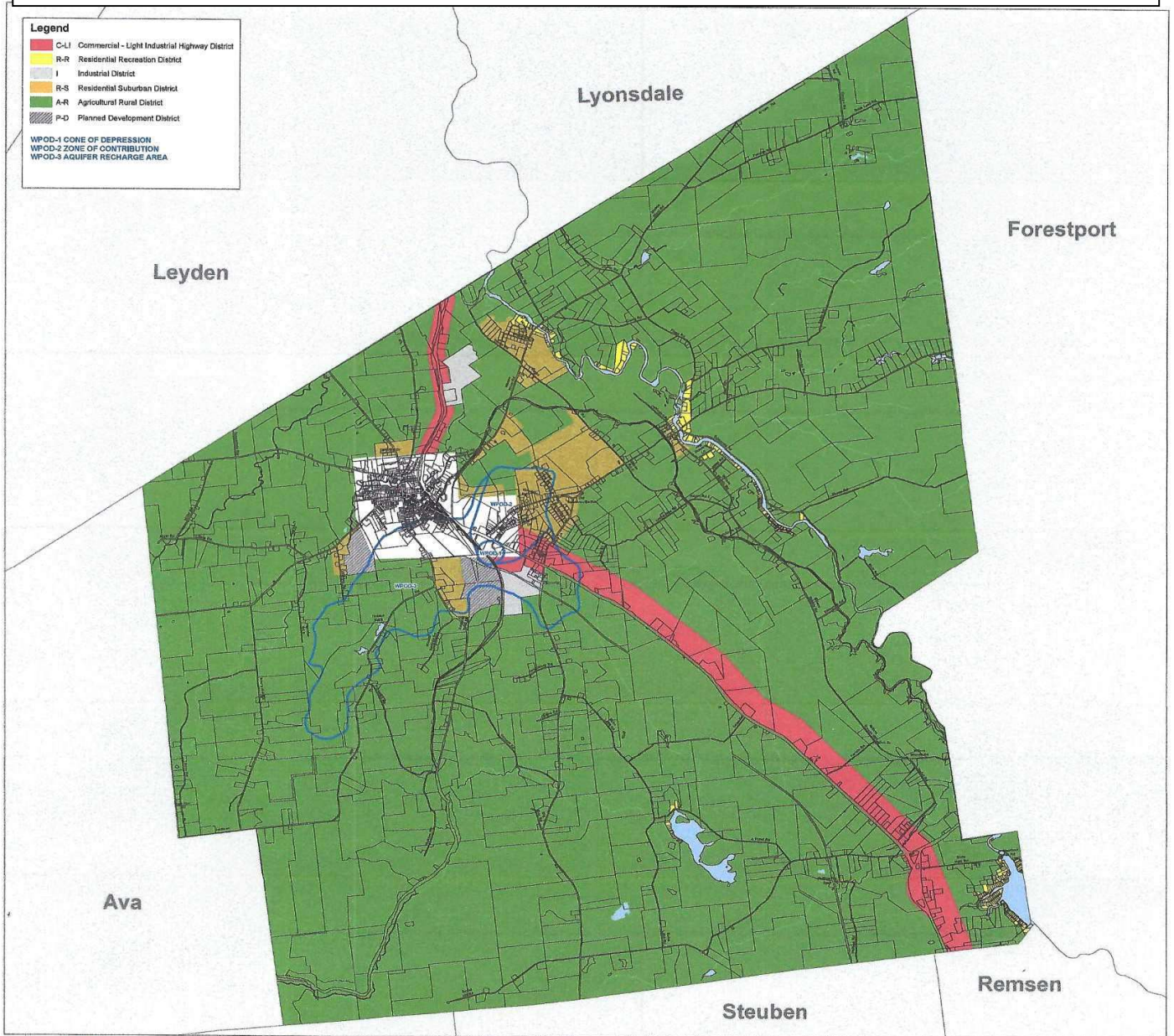
Licensing of Dogs Local Law No.2 of 2010

Establishing a Local Government Code Enforcement Program Local Law No.4 of Year 2022

**Laws and Zoning Map Located on The Town of Boonville NY web site in the code section
<https://www.townofboonvillenyny.com> or Request a PDF digital copy from the Town Zoning official at
boonvillecodes@gmail.com**

Schedule G

Zone Map is also Located on The Town of Boonville NY web site <https://www.townofboonvillenyny.com/> or request a PDF digital copy from the Town Zoning official at boonvillecodes@gmail.com



Legend

- C-LI Commercial - Light Industrial Highway District
- R-R Residential Recreation District
- I Industrial District
- R-S Residential Suburban District
- A-R Agricultural Rural District
- P-D Planned Development District

■ WPOD-1 CONE OF DEPRESSION
■ WPOD-2 ZONE OF CONTRIBUTION
■ WPOD-3 AQUIFER RECHARGE AREA



Created By: TIG/MD
 Date Created: 06/2011
 Date Updated: 06/2012

NO.	BY	DATE	REVISION
1	MD	06/2011	Original Zoning Ordinance
2	MD	06/2011	Amended to add Agricultural Rural District
3	MD	06/2011	Amended to add Planned Development District
4	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
5	MD	06/2011	Amended to add Residential Recreation District
6	MD	06/2011	Amended to add Residential Suburban District
7	MD	06/2011	Amended to add Industrial District
8	MD	06/2011	Amended to add Agricultural Rural District
9	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
10	MD	06/2011	Amended to add Residential Recreation District
11	MD	06/2011	Amended to add Residential Suburban District
12	MD	06/2011	Amended to add Industrial District
13	MD	06/2011	Amended to add Agricultural Rural District
14	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
15	MD	06/2011	Amended to add Residential Recreation District
16	MD	06/2011	Amended to add Residential Suburban District
17	MD	06/2011	Amended to add Industrial District
18	MD	06/2011	Amended to add Agricultural Rural District
19	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
20	MD	06/2011	Amended to add Residential Recreation District
21	MD	06/2011	Amended to add Residential Suburban District
22	MD	06/2011	Amended to add Industrial District
23	MD	06/2011	Amended to add Agricultural Rural District
24	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
25	MD	06/2011	Amended to add Residential Recreation District
26	MD	06/2011	Amended to add Residential Suburban District
27	MD	06/2011	Amended to add Industrial District
28	MD	06/2011	Amended to add Agricultural Rural District
29	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
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31	MD	06/2011	Amended to add Residential Suburban District
32	MD	06/2011	Amended to add Industrial District
33	MD	06/2011	Amended to add Agricultural Rural District
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67	MD	06/2011	Amended to add Industrial District
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91	MD	06/2011	Amended to add Residential Suburban District
92	MD	06/2011	Amended to add Industrial District
93	MD	06/2011	Amended to add Agricultural Rural District
94	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
95	MD	06/2011	Amended to add Residential Recreation District
96	MD	06/2011	Amended to add Residential Suburban District
97	MD	06/2011	Amended to add Industrial District
98	MD	06/2011	Amended to add Agricultural Rural District
99	MD	06/2011	Amended to add Commercial - Light Industrial Highway District
100	MD	06/2011	Amended to add Residential Recreation District

Town of Boonville
 Otsego County New York
Zoning Map

LEGALLY AND FINALLY ADOPTED
 DEPARTMENT OF THE TOWN OF BOONVILLE

