ARTICLE IV
Supplementary Regulations

§ 98-14. Accessory buildings and structures.

In a residential district, an accessory building or structure, such as a private garage, shall not be constructed in front of nor be of a height greater than the principal building, nor shall such accessory buildings and structures be erected within 15 feet of side and rear property lines, operative septic tanks and leach fields. No accessory building or structure shall be used for commercial activities except in conjunction with a permitted commercial use or special use permit for a commercial activity, as per § 98-11, Schedule of Permitted Uses. Prohibited commercial activities include repair of vehicles and/or machinery, except those owned by the property owner and/or immediate family. Nothing in this section shall prohibit the development of landscaping, lighting, fencing and walls in accordance with the applicable provisions of this chapter.

§ 98-15. Accessory dwellings.

A. Intent. It is the specific purpose and intent of this provision to provide the opportunity for the development of small dwelling units designed to meet the special housing needs of families living in the Town of Pleasant Valley. Therefore, such units may not be constructed for or utilized at any future time for rental purposes. It is the purpose and intent of this section to protect and preserve property values and to maintain the one-family character of the one-family residence districts of the Town of Pleasant Valley. **[Amended 10-12-2011 by L.L. No. 5-2011]**

B. Accessory dwelling in single-family dwelling. A special use permit is required to create an accessory dwelling as part of a single-family dwelling, subject to the following provisions:

(1) Only one accessory dwelling is permitted per lot, and it shall be clearly subordinate to the single-family dwelling.

(2) The lot containing the accessory dwelling shall equal or exceed the recommended lot size requirement of the applicable zoning district. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(3) No accessory dwelling shall be created on a lot where two or more dwellings exist in violation of the permitted density, or as a nonconforming use, in the district in which the lot is located. No accessory dwelling shall be created on a lot where a two-family or multifamily dwelling exists.

(4) Owner-occupancy is required. The owner(s) of a property on which there is an accessory dwelling must occupy one of the two residential units on the property. Appropriate proof of owner-occupancy is required.

(5) No more than one bedroom is permitted in the accessory dwelling, and the number of residents in the accessory dwelling shall be limited to no more than two persons.

(6) The gross floor area of the accessory dwelling shall be greater than 400 square feet and shall not exceed 35% of the entire gross floor area of the single-family dwelling, but shall at no point exceed 650 square feet.

(7) The accessory dwelling shall be self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).

(8) The accessory dwelling shall have safe and proper means of entrance. Stairways leading to any story above the ground floor shall be located within the walls of the building wherever practicable. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.

(9) Off-street parking shall be in accordance with § 98-42 and shall be on the lot on which the accessory dwelling is located.

(10) Design and construction of any addition or alteration to accommodate the accessory dwelling must be compatible with the parent structure, and must comply with § 98-12, Schedule of Area and Bulk Requirements.

(11) Any legally established accessory dwelling on a lot with a single-family dwelling that is in existence at the time of the adoption of this amendment shall not be subject to the provisions outlined above.

(12) The special use permit for an accessory dwelling shall expire one year from the date of issuance and can be renewed pursuant to reinspection and recertification of the accessory dwelling by the Zoning Administrator. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(13) The special use permit for the accessory dwelling shall terminate if title to the property is transferred by sale, foreclosure, or the owner's death, or if the owner is no longer utilizing one of the residences on the property as his or her primary residence.

(14) To limit the overall impacts of the addition of accessory dwellings throughout the community, the Town of Pleasant Valley may approve no more than a maximum of six new accessory dwelling special use permit requests on an annual basis. Permit renewals are not counted as part of this maximum.

(15) If the water supply is from a private source, the applicant shall certify that the water supply is potable and of adequate flow. Failure to promptly correct any water quality or quantity problems shall result in immediate revocation of the special use permit.

(16) No special use permit shall be granted for an accessory dwelling without approval or certification from the Dutchess County Department of Health regarding the adequacy of the septic system.

(17) The accessory dwelling shall conform to all applicable local, state, and federal

codes and requirements, including the New York State Uniform Fire Prevention and Building Code.

(18) The owner is responsible for ensuring that any occupant(s) of an accessory dwelling abides by the Town of Pleasant Valley Town Code, in particular Chapter 70, Nuisances.

(19) Continued compliance with all of these regulations is required. Failure to do so will result in the immediate revocation of the special use permit.

(20) The fees required for the construction of an accessory dwelling are set forth in the Town's Schedule of Fees. **[Added 10-12-2011 by L.L. No. 5-2011]**

C. Accessory dwelling in an existing detached accessory structure. A special use permit is required to create a detached accessory dwelling in an existing gatehouse, garage, barn or similar accessory structure on a lot with a single-family dwelling, subject to the conditions found within Subsection B and the following provisions:

(1) The existing accessory structure shall not be enlarged by more than 25% of its original gross floor area to accommodate the proposed accessory dwelling, the size of which shall meet the square footage requirement as outlined in Subsection B(6) above.

(2) Construction to enlarge an existing accessory structure in order to accommodate an accessory dwelling shall only be permitted if the existing accessory structure conforms to § 98-12, Schedule of Area and Bulk Requirements.

(3) Construction associated with adaptation of an existing accessory structure shall be performed in a way that retains the character of the structure. The design and construction of the adaptation of the accessory structure must be compatible with the primary single-family dwelling on the lot.

(4) Construction of a new detached structure is not permitted for the purpose of situating an accessory dwelling. Any structure used for conversion to an accessory apartment must have been constructed prior to the adoption of these regulations.

§ 98-16. Adult uses.

The Town of Pleasant Valley finds that adult uses may have negative impacts upon the neighborhood and surrounding area where they are located. Such impacts include physical deterioration, disinvestment, and increased crime. Adult uses shall be allowed by special use permit in the Quarry District only. In addition to all applicable special use permit and site plan criteria in Article VII, such uses shall satisfy the following additional standards:

A. No adult use shall be located within 1,000 feet of any single-family, two-family, or multifamily residence, or of any school, day-care center, library, religious institution, park, or other public recreation area, or recreational business.

B. No adult use shall be located within 1,000 feet of any other adult use.

C. No more than one freestanding sign, not exceeding 12 square feet, shall be permitted for an adult use in a location visible from a public street. Such sign shall be limited to the name of the business. One wall-mounted sign, not exceeding six square feet, shall be permitted on the building, provided that it complies with § 98-46 below.

D. Adult uses shall be set back at least 200 feet from all public rights-of-way and shall be screened from view by a buffer at least 50 feet wide consisting of trees and shrubs.

§ 98-17. Agricultural protections.

The Town recognizes that farming is an essential enterprise and an important industry which enhances the economic base, natural environment, and quality of life in the Town of Pleasant Valley, as outlined in the Town's Comprehensive Plan and stated as Goal 2.4 (p.19) in the Plan. Accordingly, the following regulations, in addition to New York's Agriculture and Markets Law, shall be followed:

A. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices with this Town at all times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research, and improved technologies.

B. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

(1) Reasonable and necessary to the particular farm or farm operation.

(2) Conducted in a manner that is not negligent or reckless.

(3) Conducted in conformity with generally accepted and sound agricultural practices as defined by Article 25-AA of the New York State Agriculture and Markets Law.

(4) Conducted in conformity with all state and federal laws and regulations.

C. Nothing in this regulation shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

D. In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with § 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and

improvement of agricultural land for the production of food and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchasers of property within an agricultural district or of property with boundaries within 500 feet of a farm operation located in an agricultural district. A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

E. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy for a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to § 308 of Article 25-AA of the State Agriculture and Markets Law.

F. This regulation and its provisions are in addition to all other applicable laws, rules and regulations.

§ 98-18. Airports/Heliports.

The development of any airport and/or heliport shall only be allowed for the sole purpose of personal transportation for the property owner. Commercial and/or charter flights shall not be permitted from any airport and/or heliport facility.

§ 98-19. Animal husbandry.

The keeping, grazing, feeding, and care of animals other than household pets, other than in conjunction with a farm operation, as defined under Article 25-AA, § 301, Paragraph 11, of the New York State Agriculture and Markets Law, or other than as a kennel, shall be known as "animal husbandry," shall be permitted as an accessory use on improved lots pursuant to the Schedule of Permitted Uses,[1] and shall conform to the following conditions:

A. The minimum lot size for keeping large hoofed animals (such as horses, mules, llamas, cows, and hogs) as permitted by right shall be three acres. The minimum lot size for smaller animals (sheep, goats and ponies) as well as poultry and other large birds such as waterfowl, turkeys and peafowl, as permitted by right, shall be two acres. Animal husbandry on property not meeting the acreage requirement, or as a primary use on any unimproved lot, shall depend on the circumstance of the property and shall be permitted only upon issuance of a special permit by the Zoning Board of Appeals. Animal husbandry in practice before the adoption of this chapter shall be deemed a nonconforming use with respect to these minimum lot size requirements, subject to the requirements of § 98-63.

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1. **Editor's Note: The Schedule of Permitted Uses is included at the end of this chapter.**

B. Proper housing and shelter shall be provided for the animals as per standard practices for each type of animal. Pens for confining animals in limited space or other animal shelters shall be located a minimum of 100 feet from any neighboring property line. Pastures may be fenced at the property line. **[Amended 10-12-2011 by L.L. No. 5-2011]**

C. Animals shall be confined to the owner's property.

D. Any area used as pasture shall be adequately fenced or secured to ensure confinement to the property in question. Adequate grass or forage shall be maintained for all grazing animals. The Zoning Administrator may consult with New York State Agriculture and Markets Law and with the Cornell Cooperative Extension (CCE) or, in the event CCE ceases to exist, its equivalent to determine whether animal shelter and care in a particular circumstance meet minimum standards. The Zoning Administrator may rely upon the opinion of CCE officials or, in the event CCE ceases to exits, its equivalent, and shall rely on guidelines established by the Cornell Cooperative Extension relating to the housing and care of livestock and other farm animals in making such determination.

E. Handling, storage, disposal or removal of all animal waste shall be done to ensure minimum impact on the environment and to avoid any impact on neighboring residences, whether from odor, associated pests or water runoff. Such animal waste shall be stored at least 100 feet from any wells, residences or wetland or watercourse buffer and must be screened from view from public roadways or neighboring residential properties.

F. The Comprehensive Plan seeks to preserve agriculture and to retain farming as a viable economic enterprise in the Town of Pleasant Valley. Therefore, to encourage participation in 4-H and Future Farmers of America (FFA) animal husbandry programs, the Zoning Administrator and/or the Zoning Board of Appeals may make practical accommodations of § 98-19 where active 4-H and FFA participation is involved.

G. The Zoning Administrator has express approval to enter any property to investigate any formal complaint filed regarding a specific practice of animal husbandry.

H. The application fee for a special use permit shall be waived for animal husbandry applications. However, to the extent that the Planning Board, Zoning Board or any other reviewing board or agency of the Town engages professional consultants in connection with an animal husbandry special permit application or any portion thereof, the applicant shall be subject to applicable escrow requirements as set forth throughout the Town Code.

I. Any property used for the conduct of animal husbandry pursuant to this section shall not automatically be deemed a "farm" as that term is defined nor shall any such property be entitled to the protections of § 98-17.

§ 98-20. Bed-and-breakfasts.

A. To qualify as a bed-and-breakfast, a dwelling must adhere to the following requirements:

(1) The operators of the bed-and-breakfast, as owners of the property, must reside in and continue to reside in the dwelling as their principal residence. Should the bed-and-breakfast dwelling be no longer owner-occupied, the special use permit (as required below) shall be revoked.

(2) The primary use of the dwelling will continue to be that of a single-family residence. The operation of the bed-and-breakfast dwelling will be incidental and secondary to its primary use.

(3) No paying guests shall stay for more than 14 consecutive nights.

(4) Other than members of the owner's family who are residents on the premises, the number of employees is restricted to one at any one time.

B. A building permit and a subsequent certificate of occupancy for a change of use are required for all bed-and-breakfast dwellings to ascertain adherence to any applicable Town laws and codes. Department of Health approval shall be required.

C. Bed-and-breakfast dwellings require the granting of a special use permit by the Zoning Board of Appeals.

D. The operator of a bed-and-breakfast dwelling may display signs on the premises which must comply with the provisions of the Code of the Town of Pleasant Valley applicable to signs.[2]

§ 98-21. Camps.

The following apply to camps:

A. The minimum lot size shall be 10 acres of land.

B. No building or parking area shall be located within 100 feet of any property line, or within 250 feet of any existing neighboring residence.

C. No facility for active recreational use (e.g., ballfields) shall be located within 100 feet of any property line.

D. No activity area, recreational facility, or dwelling structure (including tents) shall be closer than 200 feet to any residential property boundary.

E. Plans for outdoor public address systems shall be submitted to and approved by the Planning Board. Systems should be designed to minimize noise pollution off-site. Hours of use shall be limited to between 8:00 a.m. and 8:00 p.m. daily, except in the case of emergencies.

F. Outdoor lighting for safety or other purposes shall be directed downward to prevent

2. **Editor's Note: See § 98-46, Signs.**

light pollution. Lighting shall be contained within the property and shall not spill over onto neighboring properties.

§ 98-22. Caretaker/Guest cottages.

The following apply to caretaker/guest cottages:

A. Not more than one caretaker/guest cottage shall be permitted in addition to the principal residence on a residential lot.

B. The caretaker/guest cottage shall be located on a lot which meets or exceeds 20 acres.

C. Location. The applicant must satisfy one of the three options below:

(1) Located on same lot as principal structure with no subdivision possible: The caretaker/guest cottage must satisfy all setback requirements for a principal structure as set forth in § 98-12, Schedule of Area and Bulk Requirements,[3] and must be placed in a manner that shall not allow for future subdivision based upon compliance with current zoning regulations. The approval of the caretaker/guest cottage is conditioned on the provision that an area variance for future subdivision will never be allowed; or

(2) Located so as to require subdivision: If the caretaker/guest cottage is placed in a manner that will allow subdivision based upon compliance with current zoning regulations, the lot must be subdivided at the time of application; or

(3) Protection of lot in perpetuity removes subdivision requirement: If the caretaker/guest cottage is placed in a manner that will allow a future subdivision based upon compliance with current zoning regulations but subdivision is not desired, the parcel shall be restricted from further subdivision by conservation easement or deed restrictions enforceable by the Town.

D. The gross floor area of the caretaker/guest cottage shall contain, at a minimum, the minimum required by the current New York State Uniform Fire Prevention and Building Code and shall not exceed 60% of the entire gross floor area of the principal dwelling.

E. The caretaker/guest cottage shall be permitted to have kitchen facilities necessary for the occupants or guests residing therein.

F. There shall be no exchange of money or rental of a caretaker/guest cottage. Violation of this provision shall result in the imposition of fines pursuant to a fine schedule as set by the Town Board.

G. If the water supply is from a private source, the applicant shall certify that the water supply is potable and of adequate flow. Failure to promptly correct any water

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3. Editor's Note: The Schedule of Area and Bulk Requirements is included at the end of this chapter.

quality or quantity problems shall result in immediate revocation of the special use permit.

H. No special use permit shall be granted for a caretaker/guest cottage without approval or certification from the Dutchess County Department of Health regarding the adequacy of the septic system.

§ 98-22.1. Clothing bins, donation bins and recycling bins. [Added 2-14-2018 by L.L. No. 5-2018]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CODE COMPLIANCE OFFICER — The Code Compliance Supervisor or his or her authorized representative.

COLLECTION BIN — Any container, receptacle, or similar device that is located on any parcel or lot of record within the Town used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

COLLECTION BIN OPERATOR (OPERATOR) — A person who owns, operates, supervises or otherwise is in control of collection bins to solicit collections of salvageable personal property.

PERMITTEE — Any organization, firm or other entity that owns and receives a permit to operate a collection bin pursuant to this section.

PROPERTY OWNER (OWNER) — Any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property.

B. Permit required. No person or entity shall cause or permit the installation or placement of a collection bin upon any real property located within the Town of Pleasant Valley, whether public or private, without first obtaining an annual permit from Building Department after site plan review/approval by the Planning Board.

(1) It shall be unlawful to erect, place, maintain or operate any collection bin without first obtaining a permit issued by the Town of Pleasant Valley.

(2) A permit issued under this section shall be valid for one year and renewable for one-year periods thereafter. The initial permit will have a probationary period of six months. Any violation during the probationary period is subject to immediate revocation of the operating permit, removal of the bin and forfeiture of all fees.

(3) Where a collection bin is owned and/or operated by one entity for the benefit of another entity, the contact information for both entities must be included on the permit application.

(4) The initial application fee, renewal application fee and sticker fee shall be

valid for one year as established by resolution of the Town Board.

(5) In order to qualify as a permittee under this section, an applicant must either be 1) a public charity exempt from taxes under Section 501(c)(3) of the United States Internal Revenue Code, and in good standing with the State of New York, or 2) a business in good standing with the State of New York.

C. Form of application. The application for a collection bin permit shall be made to the Building Department and shall require the following information from the applicant:

(1) If the applicant claims to be a qualified public charity.

(a) A copy of the determination letter issued by the Internal Revenue Service stating that the applicant is a public charity exempt under Internal Revenue Code Section 501(c)(3); and

(b) A certificate of good standing issued by the Office of the Secretary of State of the State of New York. A certificate of good standing must not be older than three months at the time of application for a permit.

(2) Name, address and telephone number of a contact person or entity of the applicant who is responsible for the management and maintenance requirements of this section.

(3) A site plan indicating the bin placement.

(4) Permittee must provide to the Town of Pleasant Valley at the time of application:

(a) Certificate of liability insurance of at least $1,000,000 covering permittee's collection bin. The certificate of liability insurance must name the Town of Pleasant Valley as an additional insured.

(b) Escrow in an initial amount of as determined by Town Board resolution.

(c) An affidavit or notarized document from the property owner giving written permission to place a collection bin on the property owner's real property, as well as an acknowledgment of receipt of a copy of this section, inclusive of a statement agreeing to abide by all of its requirements.

(d) A photograph of the actual collection bin to be installed.

(e) A number answered twenty-four hours a day for overflow events.

(f) A nonrefundable fee on initial application or renewal applicants as determined by Town Board resolution.

D. Proof of permit. The Town of Pleasant Valley shall provide the permittee with one permit sticker for each approved permit. The permittee must place the permit sticker in the upper right hand corner on the front of the permitted collection bin. The Town

of Pleasant Valley Planning Building Department will provide replacement stickers for a fee to be established by resolution of the Town Board should the original sticker become damaged or missing.

E. Permitted locations.

(1) Collection bins are allowed in the HPV Hamlet Pleasant Valley, HSP Hamlet Salt Point, HWH Hamlet Washington Hollow and MC Mixed Use Commercial District, one per property (parcel).

(2) A collection bin shall be placed on the site in a manner as approved by the Town of Pleasant Valley Planning Board pursuant to site plan review.

(3) Collection bins shall not be located within 1,000 feet from another collection bin as measured along a straight line from one box to the other.

(4) Collection bins shall not be placed within 500 feet of an adjoining residential property.

(5) One collection bin on a single lot (parcel) of record is allowed.

F. Installation, management, maintenance, requirements and standards.

(1) Permittee must maintain the aesthetic presentation of each collection bin, including fresh paint, readable signage and general upkeep. Collection bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.

(2) Collection bins shall be made of durable metal or UV-resistant molded hard plastic or fiberglass material that is fire-resistant or fireproof.

(3) Permittee must provide to the property owner and Town a twenty-four-hour telephone number to respond to collection bin maintenance complaints.

(4) Collection bins are required to be placed on a paved or concrete surface. Collection bins must be level and stable.

(5) Collection bins shall not cause a visual obstruction, as determined by the Zoning Office, Town Engineer or Superintendent of Highways, to vehicular or pedestrian traffic.

(6) The total size of a collection bin is limited to a maximum dimension of five feet by five feet by seven feet.

(7) Collection bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

(8) The collection bin operator and property owner shall maintain, or cause to be maintained, the area surrounding the bins free from any overflow collection items, furniture, rubbish, debris, hazardous materials, and noxious odors. To extent provided by law, the collection bin operator and/or property owner shall

be jointly and severally responsible for the Town's cost to abate any nuisance.

(9) Collection bins shall be located on a parcel where there is a functioning and permitted use. Collection bins shall not be permitted:

(a) On any land used or zoned residential;

(b) On any unimproved parcel;

(c) Where the principal use of the land has been closed or unoccupied for more than 30 days.

(d) In a parking space or in a manner that reduces parking spaces.

(10) No collection bin shall be placed closer than 10 feet from:

(a) A public or private sidewalk, except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;

(b) A public right-of-way;

(c) A driveway; or

(d) Five hundred feet from a side or rear property line of adjacent property used for residential purposes.

(11) Collection bins shall not be placed in a designated fire lane, adjacent to a handicap parking space, or block a building entrance or exit.

(12) Collection bins shall be shielded from view by a fence and/or plantings as approved in advance by the Town of Pleasant Valley Planning Board.

(13) Permittee must respond to collection bin maintenance complaints within 24 hours of receiving notification during regular business hours.

(14) Permittee must remove graffiti within 72 hours following receipt of notice of its existence.

(15) If a collection bin becomes damaged or vandalized, it shall be repaired, replaced or removed within five days of receipt of notice of such condition.

(16) The collection bins shall be emptied with such frequency and regularity as to ensure that it does not overflow and materials do not accumulate outside the collection bin.

(17) A collection bin permit is valid for a one-year period. The renewal application must be filed not later than 30 days before the current permit expires.

(18) If the permit expires, a full application fee is required. If the permit is not renewed, the collection bin must be removed from the real property within a maximum of 10 days after expiration of the permit.

G. Information and label requirement for all bins. The front of every collection bin shall conspicuously display the following:

(1) The name, address, telephone number and the internet web address of the owner and operator of the collection bin.

(2) A statement, in at least two-inch typeface, that either reads "This collection bin is owned and operated by a not-for-profit organization," or "This collection bin is owned and operated by a for-profit organization."

(3) If the clothing bin, donation bin or recycling bin is owned by a not-for-profit organization, the front of the collection bin shall also conspicuously display a statement describing the charitable causes that will benefit from the donations.

H. Permit revocation, removal of collection bins and liability.

(1) If the Planning Board, Town Board and/or Code Enforcement Office determines that a collection bin has been placed or is being maintained in violation of this section, a correction notice shall be sent by regular United States mail to the collection bin operator and property owner of the real property on which the collection bin has been placed, as shown on the most recent permit application. In the event there is not on file a permit application made for the collection bin, a correction notice shall be sent to the real property taxpayer of record in the Assessor's Office. The correction notice shall describe the offending condition and the actions necessary to correct the condition. The correction notice shall provide that the offending condition be corrected or abated within seven calendar days after mailing.

(2) If the offending condition is not corrected or abated within this seven calendar days after mailing, the Town or the Town's contractor shall clean up the collection bin area and, depending on the situation, possibly remove the collection bin.

(3) All costs incurred by the Town or the Town's contractor associated with the correction or abatement of a collection bin shall be the responsibility of the property owner and collection bin owner jointly and severally. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the Town may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the Town, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(4) The Town shall have the right to revoke any permit issued hereunder if:

(a) Offending conditions cited in a correction notice are not corrected or abated within seven days after mailing;

(b) Placement or conditions of the bin or surrounding area violate any

applicable state or federal law;

(c) Any governmental authority or agency determines that the collection bin has violated the New York State General Business Law and/or the New York State Attorney General Charities Bureau or other statute enacted to regulate or govern collection bins.

(5) Upon revocation of permit issued pursuant to this section, the collection bin shall be removed from the real property within 10 calendar days and, if not so removed within the time period, the Town or the Town's contractor may remove, store or dispose of the collection bin.

(6) All costs incurred by the Town or the Town's contractor associated with removal, storage or disposal of a collection bin shall be the responsibility of the property owner and collection bin owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the Town may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the Town, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(7) If a collection bin permit is revoked, the collection bin operator shall not be eligible for consideration of a new permit for one year from the date of revocation.

I. Violations. A violation of this section shall include, but not be limited to:

(1) Unpermitted placement of a collection bin.

(2) Failure to respond within 24 hours to a maintenance request pursuant to this chapter.

(3) Failure to maintain a collection bin pursuant to this chapter.

(4) Failure to adhere to collection bin placement and removal provisions pursuant to this chapter.

(5) Failure to adhere to all permitting requirements pursuant to this chapter.

(6) Failure to adhere to the labeling requirement of this chapter.

§ 98-23. Clubs, not-for-profit membership.

A. All clubs, except shooting preserves, rod and gun clubs or other similar clubs involving the discharge of firearms, are subject to the following requirements:

(1) No building or parking area shall be located within 100 feet of any property line, or within 250 feet of any existing neighboring residence.

(2) No facility for active recreational use (e.g., ballfields) shall be located within 100 feet of any property line.

(3) Plans for outdoor public address systems shall be submitted to and approved by the Planning Board. Systems should be designed to minimize noise pollution off-site. Hours of use shall be limited to between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and between 10:00 a.m. and 7:00 p.m. Sunday, except in the case of emergencies.

(4) Outdoor lighting for safety or other purposes shall be directed downward to prevent light pollution. Lighting shall be contained within the property and shall not spill over onto neighboring properties.

(5) Except as may be further restricted by the Planning Board in its consideration of a specific application, hours of operation for any outdoor recreational use or facility authorized under this subsection shall be limited to the period from 8:00 a.m. through 8:00 p.m. daily.

B. Shooting preserves, rod and gun clubs, or other similar clubs are subject to the following requirements:

(1) Shooting preserves shall be licensed pursuant to Environmental Conservation Law § 11-1903.

(2) All clubs shall operate pursuant to all applicable federal, state and local laws.

(3) A minimum of 50 acres of land is required.

(4) No building, parking area, or other facility shall be located within 300 feet of any residential property line.

(5) No target range or other facility for the discharge of firearms shall be located closer than 500 feet to any property boundary, and target ranges or other facilities for the discharge of firearms shall be directed away from any neighboring residence, watercourse, wetland and related buffer.

(6) Plans for outdoor public address systems shall be submitted to and approved by the Planning Board. Systems should be designed to minimize noise pollution off-site. Hours of use shall be limited to between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and between 10:00 a.m. and 7:00 p.m. Sunday, except in the case of emergencies.

(7) Outdoor lighting for safety or other purposes shall be directed downward to prevent light pollution. Lighting shall be contained within the property and shall not spill over onto neighboring properties.

(8) Except as may be further restricted by the Planning Board in its consideration of a specific application, hours of operation for any outdoor activity involving the discharge of firearms shall be limited to the period from 8:00 a.m. through 8:00 p.m. daily.

(9) At the Planning Board's discretion, the Board may require documentation that the on-site activities at the shooting preserve do not exceed off-site noise level limits.

§ 98-24. Conservation subdivisions.

A conservation subdivision permits greater design flexibility and smaller average lot sizes than otherwise possible in a conventional lot-by-lot subdivision in order to preserve green spaces on the remainder of the property without increasing building potential for the tract as a whole. Conservation subdivisions are authorized under § 278 of the Town Law of the State of New York and under Chapter 82 (§ 82-4), Subdivision of Land, of the Code of the Town of Pleasant Valley. In order to implement the policies and goals of the Town's Comprehensive Plan and the hamlet illustrative sketch plans contained within the Comprehensive Plan, conservation subdivisions can be combined with transfer of development rights between adjacent and adjoining property owners.

§ 98-25. Environmental performance standards.

The intent of these provisions is to protect the public health, safety, and welfare by limiting conditions which are obnoxious, offensive, or hazardous to neighboring property owners. Uses established or maintained shall conform to standards contained herein, unless excepted elsewhere in this chapter, for the continuance of any certificate of occupancy or special use permit. Nothing herein shall prevent a property owner from pursuing private nuisance remedies. This regulation shall not apply to farm or forestry operations engaged in customary agricultural practices, except where necessary to protect public health and safety.

A. Noise.

(1) Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through a sound-level meter having an A-weighted filter and constructed in accordance with specifications of the American National Standards Institute or currently accepted standard for the measurement of sound.

(2) No person, firm or corporation shall allow the emission of sound which, as measured at the property lines, has a sound level in excess of: 60 decibels on the A-weighted scale between the hours of 8:00 a.m. and 8:00 p.m.; and 50 decibels on the A-weighted scale between the hours of 8:00 p.m. and 8:00 a.m. Nothing herein shall prevent, however, occasional noise from residential uses or normal agricultural uses.

(3) No internal combustion engine shall be operated at any time without a muffler designed and manufactured to suppress exhaust noises.

(4) These noise regulations are meant to limit habitual, long-term noise violations. The Zoning Administrator and the Zoning Board of Appeals may exempt temporary or infrequent noises. The following uses and activities shall also be exempt from the noise regulations:

(a) Noises from forestry or agricultural operations on a farm as defined herein.

(b) Temporary construction noises between the hours of 7:00 a.m. and 8:00 p.m.

(c) Transient noises from moving sources, such as automobiles, trucks, except those in commercial operations, and except as otherwise restricted by the laws of the Town of Pleasant Valley.

(d) Noises from safety signals, warning devices and emergency pressure-relief valves.

(e) The sound of bells or chimes from a church or other place of worship.

(f) Noise from generators during power outages. **[Added 10-12-2011 by L.L. No. 5-2011]**

B. Smoke or particulate matter. Any emission of smoke or particulate matter, from any source, shall comply with all local, state and federal regulations.

C. Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is located. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties. Special efforts shall be required, such as limiting hours of lighting or the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares. In particular, no use shall produce glare so as to cause illumination beyond the property on which it is located in excess of 0.5 foot-candle.

D. Electromagnetic interference. No land use or operation shall be allowed which produces any perceptible electromagnetic interference with normal radio or television reception outside the boundaries of the lot on which such use or operation takes place; however, nothing herein shall be construed to apply to occasional use of farm machinery or shall be applied in any manner which is inconsistent with any state or federal regulation relating to electromagnetic interference.

E. Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases or other matter outside the building in which the use is conducted.

F. Radiation. No emission of radiation or discharge of radioactive gases, liquids or solids shall be permitted. The handling, storage or disposal of radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter I, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations.

G. Vibration. No activity shall cause or create a steady-state or impact vibration discernible at any lot line.

H. Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws, and regulations of the Dutchess County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste from any commercial or industrial activity shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

I. Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, DEC regulations, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be observed.

J. Odor. No person, firm or corporation, excluding farms, forestry, and agricultural operations, shall permit the emission of any offensive odor at the property line of the lot from which the odor is emitted.

K. Outside storage related to commercial or industrial activities. Materials, supplies and products shall not be stored in any required setback area. All permitted outside storage areas shall be neatly kept, fenced, and screened from any existing or proposed road or any adjoining residential property.

L. Fences. The Planning Board may require the fencing or screening, or both, of any hazardous or potentially dangerous conditions which in the opinion of the Board might cause injury to persons or damage to property. The Zoning Board of Appeals may require appropriate fencing or screening as a condition to granting a variance.

M. Procedure.

(1) Complaints under the above environmental performance standards shall be made to the Zoning Administrator or other authorized officer. The decisions of the Zoning Administrator are subject to administrative review by the Zoning Board of Appeals.

(2) In the case of any application for the establishment of a use subject to the performance standards, the Planning Board may require the applicant, at his or her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.

(3) If the Planning Board deems it necessary, independent expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of his or her application. The report of any expert consultants shall be promptly furnished to the applicant.

(4) During the course of site plan review, the Planning Board will determine if the applicant's proposal will conform to the performance standards.

N. Enforcement. If, in the judgment of the Zoning Administrator or the Town Board, there is violation of the performance standards:

(1) The Zoning Administrator shall give written notice, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a reasonable time limit set by said official. The notice shall state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

(2) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice and shall retain it among his records.

(3) If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take action in accordance with Article VII of this chapter.

§ 98-26. Erosion and sediment control.

All activities regulated by Chapter 74, Stormwater Management and Erosion and Sediment Control, of the Town of Pleasant Valley Town Code shall obtain approval by the applicable board of the Town.

§ 98-27. Excavation, grading, rock removal, and tree cutting.

A. No excavation or grading or clear-cutting in preparation for site development shall be undertaken prior to the granting of any special use permit, site plan, or subdivision approval required for such development.

B. Excavation of any area exceeding 2,000 square feet and/or clear-cutting of any area exceeding three acres shall require a zoning permit from the Zoning Administrator, unless such excavation or clear-cutting is performed pursuant to an approved site plan, special use permit, subdivision, or building permit or as a normal and customary activity in conjunction with a forestry or a farm operation (as defined in Article II).

C. No further action shall be taken on a property if a violation of Subsection B above

occurs until the violation has been remedied, either by restoration or restitution.

D. Excavation and grading necessary for the construction of a structure for which a building permit has been issued shall be permitted, provided that it does not adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, or create any noxious conditions or hazard to public health or safety.

E. In the event that construction of a structure is stopped prior to completion and the building permit expires, the premises shall be promptly cleared of any rubbish or building materials by the property owner, and any open excavation with a depth greater than two feet below existing grade shall either be promptly filled in and the topsoil replaced or shall be entirely surrounded by a fence at least six feet high that will effectively block access to the area of the excavation.

F. The Planning Board, in connection with a project site plan or subdivision, may require an applicant to furnish an irrevocable letter of credit, certified check, or other form of security to guarantee reclamation of areas to be excavated or graded if a project is abandoned. Such security shall be for an amount reasonably related to the potential cost of such reclamation and shall be in a form deemed acceptable by the Town Attorney.

G. For regulation of mining and quarrying, see § 98-37 of this chapter.

H. Excavation and grading activities shall comply with applicable permit requirements of Chapter 74, Stormwater Management and Erosion and Sediment Control, of the Pleasant Valley Town Code.

§ 98-28. Fences and walls. [Amended 12-27-2017 by L.L. No. 1-2018]

All proposed fence installations shall be subject to an application and associated fee. The Town of Pleasant Valley fence application shall be submitted to the Pleasant Valley Building Department for approval. A fee as set forth by the Town Board shall be tendered with this application. Fess may be amended for time to time by Town Board resolution.

A. Fences and walls in front yards. No fence, wall or other structure in the nature of a fence or wall may be erected in excess of four feet in height above the surrounding ground area in the front yard of a lot. Exception: Fences on a front yard, three feet high or less, may be located at the property line; however, fences are not allowed in a Town or utility right-of-way (ROW). For fences on a front yard over three feet in height, the minimum setback of three feet from the property line is required. Fences that are three feet or less may be located at the property line in the front yard only.

B. Stockade or any solid-faced fencing is prohibited from being installed in a front yard (See examples of permitted and nonpermitted fence types).

C. Fences and walls in side and rear yards. In any district, the height of such fence, wall or other structure located in a side or rear yard, that is not adjacent to a street, may be six feet in height and must be placed at least 18 inches from the adjoining

property line. Exception: For commercial applications, the Planning Board may approve variations to this section based upon various factors including, but not limited to, location, application, property use, etc.

D. Fences and walls may exceed six feet in height to a maximum of 10 feet in height, provided that such fence or wall is set back from the nearest property line for an additional distance equal to 1/2 the difference between six feet and the selected height of the fence or wall.

E. If no iron pins or survey monuments exist or can be found, it is strongly suggested that prior to fence installation the accurate location of the common property line(s) first be established with a survey by a licensed land surveyor. Maps obtained from Dutchess County Parcel Access cannot be used for this purpose.

F. Fences shall at all times be constructed with the finished side outwards. All posts, beams, cross-members and other support construction of the fence shall in all instances face inward towards the property owner erecting or installing the fence.

G. Painting of fences.

(1) Fences may be painted if desired. Acceptable colors are white, grey and earth tones, such as tan, brown, green, beige, and similar colors. A paint swatch shall be submitted with a fence permit application for review and approval.

(2) Colors which may be in sharp contrast to the surrounding viewscape, such as red, blue, purple, and similar are not allowed.

(3) Fences shall be of a single color.

(4) Fences may not be painted with scenery or murals.

(5) Fences may not be painted with any form of graffiti.

H. No fence shall be so constructed as to impair the sight distance along any street.

I. No fence shall be installed in a Town right-of-way (ROW). Fences, walls, and screening must be located outside of any public utility easement except as authorized by the applicable utility agency.

J. Industrial fencing. For an industrial use in the Office/Industrial District, fences of open wire construction may be erected.

K. Slatted chain link fencing is prohibited.

L. Fencing such as deer webbing, silt, contractor barrier and other such fabric and/or of flexible construction is considered a temporary fence and is not permitted for or considered as permanent fencing.

M. Agricultural fencing. All fences which enclose livestock shall be designed, constructed, and maintained so as to control and contain such livestock at all times and so as to prevent such livestock from reaching across any property lines and damaging adjacent property. Agricultural fencing, in Zone RA, is exempt from the

provisions of this section.

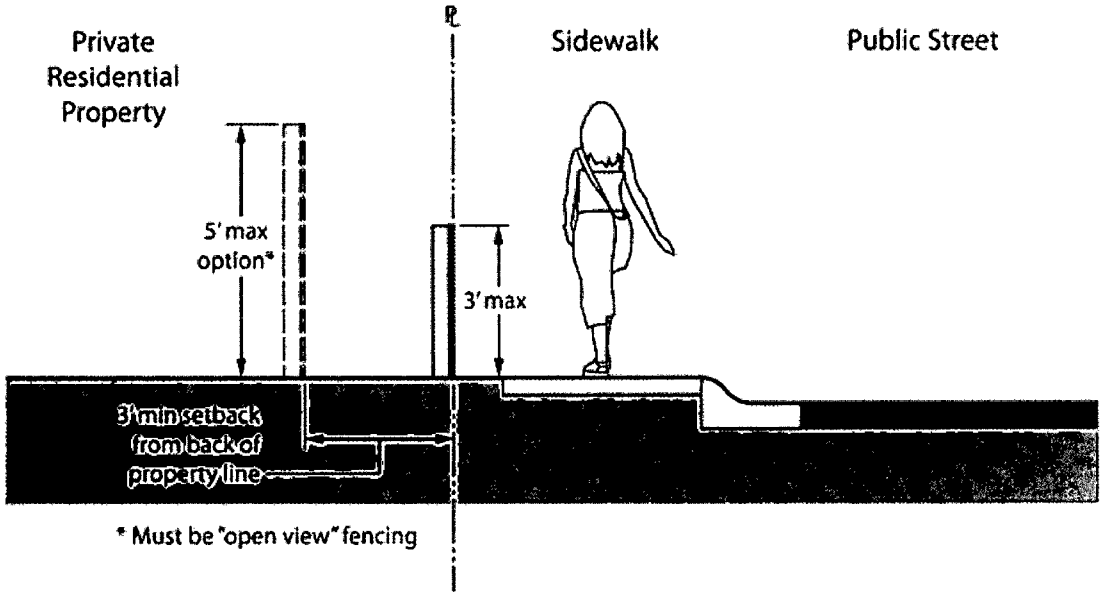
N. Height measurement.

(1) Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade may not be modified in order to increase fence height. Exception: Unless the grade is part of a designated site plan or subdivision approval by the Town Planning Board.

(2) Fences located on top of a retaining wall. If a fence is located on top of a retaining wall, the maximum height of the retaining wall shall be three feet in height and the maximum height of the fence shall be seven feet in height measured from the highest finished grade. If the retaining wall exceeds three feet in height, the fence shall be separated from the retaining wall by a horizontal distance of at least three feet with landscaping, if required by the Planning Board. If the fence exceeds seven feet in height measured from the highest finished grade, the fence shall be separated from the retaining wall by a horizontal distance of at least three feet with landscaping, if required by the Planning Board.

(3) Where the elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the highest natural grade.

Figure 1: Residential Fence Limitations



O. Exceptions to fence standards may be granted by the designated approval authority for situations requiring special considerations.

P. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with Town-adopted building code requirements, and pursuant to NYS Building Code 305.2; and ISPIC 2015 NYS International Swimming Pool and Spa Code 305.5; or the most current superseding codes.

Q. Maintenance. Fences, walls, and landscape screening shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

R. Definitions. As used in this section, the following terms shall have the meanings indicated:

FENCE — A fence is a structure that encloses an area, typically outdoors, and is usually constructed from posts that are connected by boards, wire, rails or netting. A fence differs from a wall in not having a solid foundation along its whole length.

FRONT YARD — An unoccupied space on the same lot with a building, between the front line of the building and the front line of the lot and extending the full width of the lot. For the purpose of determining the minimum front yard depth required by this section, the front line of the lot shall be taken as the street right-of-way line adjacent to the lot, provided that the front line of the lot shall be deemed to be not less than 25 feet from the center line of a minor road, nor less than 30 feet from the center line of a collector road, nor less than 40 feet from the center line of an arterial highway.

REAR YARD — An open, unoccupied space on the same lot with a building or structure, between the rear line of the building or structure and the rear line of the lot and extending the full width of the lot.

SIDE YARD — An open, unoccupied space on the same lot with a building or structure, situated between the building or structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

SOLID FENCE — A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen and is less than 50% transparent.

§ 98-29. Floodplain regulations.

Floodplain regulations are found in Chapter 50, Flood Damage Prevention, of the Town of Pleasant Valley Town Code.

§ 98-30. Forestry. [Amended 10-12-2011 by L.L. No. 5-2011]

Forestry shall be permitted by right subject to compliance with best management practices established by the New York State Department of Environmental Conservation (BMP Guidelines). Anyone proposing to undertake forestry shall apply for and receive a no-fee permit from the Zoning Administrator before commencing such regulated activity. The Zoning Administrator may determine that the proposed activity is in

compliance with the BMP Guidelines and issue the required permit. If, however, the Zoning Administrator does not find the proposed activity to be in compliance with the BMP Guidelines, the application shall be referred to the Planning Board for modifications to bring the proposed activity into compliance with the Guidelines before the required permit is issued. The cutting of trees solely for the private use of the property owner or tenant is not considered "forestry" but is subject to the regulations found in § 98-27A and B.

§ 98-31. Hamlet residential design principles.

Purpose. The purpose of these principles is to guide residential development in the Hamlet Residential District to support and enhance the associated hamlet district by encouraging, among other things, homes that are oriented toward the street and sidewalks connecting residential areas to the hamlet.

A. Architecture.

(1) The preferred design and dimensioning of new residential structures in the Hamlet Residential District should reflect the historic context of the associated hamlet district. Appropriate styles may include, but are not limited to, Colonial, Victorian, Craftsman, American Foursquare, Saltbox, Federal and Greek Revival.

(2) Useful information on basic form can be found in the Building Form Guidelines booklet published by the Dutchess County Department of Planning and Development, and available through the Town of Pleasant Valley.

(3) The Town of Pleasant Valley encourages compliance with ENERGY STAR (international standard for energy-efficient consumer products), LEED certification (Leadership in Energy and Environmental Design), or other nationally recognized standards or certifications that encourage and/or certify environmentally sustainable construction and development.

(4) Vinyl and aluminum siding are discouraged.

(5) Neon and/or alarming exterior colors are discouraged.

B. Building location and orientation.

(1) In order to support and enhance traditional hamlet development patterns, primary residential structures should be placed to the front of the lot and facing the street.

(2) For any associated garage or accessory structure, whether attached or detached to the principal structure, a minimum setback of 20 feet from the front building line of the primary residential structure is preferred.

C. Sidewalks.

(1) All streets within the Hamlet Residential District should include a network of sidewalks connecting the residential areas with the nearby hamlet district.

(2) Sidewalks should be a minimum of five feet wide and should be constructed with concrete, brick or other acceptable aggregate, excluding any form of asphalt. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(3) Provision for handicap accessibility is required.

D. Driveways, curb cuts and rear lanes.

(1) The number of curb cuts throughout the district should be kept to a minimum. To help minimize the number of individual driveways, narrow rear-lot lanes can be utilized to establish convenient access to garages and trash collection areas without requiring a separate driveway that interrupts the flow of the streetscape to the front of the house.

(2) The maximum width for a driveway curb cut should be no more than 12 feet.

E. Streets and circulation.

(1) Any new street(s) should be arranged in a grid-like pattern and should provide connections to nearby streets wherever possible and practical.

(2) Cul-de-sacs are appropriate only in response to challenging topography, and should otherwise be prohibited.

F. Landscaping.

(1) The provision of street trees, preferably native species, should be along residential streets at a spacing of approximately 20 feet to 30 feet on-center.

(2) The need for tree removal and clear-cutting for development should be minimized.

G. Parking. On-street parking is appropriate and encouraged along residential streets.

§ 98-32. Home occupations.

A. To qualify as a home occupation, this activity must:

(1) Be carried out by at least one owner-occupier of the residence.

(2) Be restricted to the employment of one additional person who is not an owner-occupier or family member of an owner-occupier.

(3) Be carried out wholly within the dwelling unit or accessory structure. There shall be no exterior storage of materials, equipment or vehicles other than those used for personal conveyance.

(4) Preserve the residential character of the premises and have no negative impact on the environment, such as offensive odors, noise, vibration, smoke, fume, dust, heat or glare.

(5) Exclude the use of the premises as a retail store or any business which

maintains stock-in-trade for sale or exchange, except for incidental sale of items normally used in conjunction with the service provided.

(6) Be restricted to a total area not exceeding 25% of the habitable space within the dwelling unit or a maximum of 500 square feet (whichever is less), whether the activity is conducted within the dwelling unit and/or an accessory structure, as per provisions of the New York State Uniform Fire Prevention and Building Code.

B. A building permit and subsequent certificate of occupancy for change of use are required for all home occupations to ascertain adherence to any applicable law or code.

C. Certain home occupations are permitted by right and shall not require a special use permit or site plan approval.

(1) These home occupations shall have:

(a) No employees outside of the owner-occupiers and family members in residence.

(b) No negative traffic impact on the neighborhood.

(c) No signs.

(d) No retail sales from the premises, and no stock-in-trade.

(2) Examples of such home occupations may include, but are not limited to, consultants, designers, interior decorators or technical writers.

D. All other home occupations require a special use permit. A site plan is a required condition of the special use permit. The Planning Board may waive the site plan requirement when deemed appropriate.

E. The operator of a home occupation, other than those permitted by right (see Subsection C above), may display one sign on the premises. It must comply with any provision of the Code of the Town of Pleasant Valley applicable to signs.[4]

§ 98-33. Impervious surfaces.

Any impervious surface is considered a structure, and as such is required to obtain a no-fee building permit prior to construction if such structure is not part of a special permit and/or site plan application. This includes impervious parking lots and driveways, except paving and/or repaving of existing driveways.

§ 98-34. Junk motor vehicles.

A. Intent. The outdoor storage of junk motor vehicle parts constitutes a health, fire and safety hazard, is generally unsightly and tends to depreciate the value of property in

4. **Editor's Note: See § 98-46, Signs.**

the neighborhood. Therefore, it is prohibited.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

(1) JUNK MOTOR VEHICLE — Any unregistered motor vehicle for which a registration with DMV is required for operation.

(2) MOTOR VEHICLE — Any self-propelled vehicle manufactured for use on public highways.

(3) OUTDOOR STORAGE — The placing, maintaining or keeping in a place other than a building.

C. Outdoor storage of junk motor vehicles or motor vehicle parts is prohibited, except in a licensed salvage yard or automobile service or body repair shop as per § 98-38.

D. The Zoning Administrator is authorized, per § 98-87, to issue a permit for the following exceptions to Subsection C above for an unregistered vehicle owned by the property owner:

(1) Storage of unregistered vehicle permit. The permit will specify a reasonable purpose subject to the approval of the Zoning Administrator, and will be for no more than 180 days. Not more than one permit per calendar year per parcel will be issued.

(2) Vehicle for sale permit. A permit will be issued for no longer than 60 days with no more than two permits per calendar year per parcel.

§ 98-35. Kennels.

Commercial kennels shall be permitted in certain residential zones (see the Schedule of Permitted Uses[5]) only upon compliance with the following additional regulations:

A. The minimum acreage of a lot with a kennel shall not be less than five acres.

B. Work spaces, pens, or other facilities, except outdoor runs, shall be located within a completely enclosed, soundproof building, and such kennel shall be operated in such a manner as to produce no objectionable noise, odors, or other nuisances beyond the boundaries of the site on which it is located. Such facility shall assure a buffer zone sufficient to prevent any increase in the average preexisting background noise levels on the site.

C. No such facility shall be constructed within 100 feet of any public road or property line.

D. All such facilities shall at all times be maintained in a safe and sanitary condition.

§ 98-36. Manufactured home parks.

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5. Editor's Note: The Schedule of Permitted Uses is included at the end of this chapter.

A. Single and individual manufactured homes outside of manufactured home parks are prohibited in all zoning districts of the Town, except as they may be permitted as emergency or temporary housing, temporary construction uses, and as temporary farm worker dwellings. Existing manufactured homes, as of the date of adoption of this code, may be replaced by manufactured homes that comply with currently applicable federal and state building standards and must comply with all setback requirements. In order to ensure proper use of waste disposal systems, water supplies and electricity, the provision of adequate emergency access, and the conservation of municipal resources, manufactured home parks are confined to the Manufactured Home Park Districts.

B. Manufactured home parks are subject to the following regulations:

(1) Park size and capacity. Each manufactured home park shall have a minimum area of 10 acres and shall contain no more than one manufactured home for each 10,000 square feet of gross area, including land used for access roads, recreation, service facilities and screen planting.

(2) Size of manufactured home sites. No manufactured home site shall be less than 6,000 square feet, nor shall any site have less than 50 feet of frontage on an access road. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(3) Clearances.

(a) No more than one manufactured home shall be permitted on a manufactured home site. Each manufactured home shall be located on a site with the following minimum clearances: **[Amended 10-12-2011 by L.L. No. 5-2011]**

[1] Sides: 15 feet from side site lines.

[2] Ends: 20 feet from rear site lines; 25 feet from access roads.

(b) In computing these clearances, auxiliary rooms, porches and similar accessories connected to or associated with the manufactured home shall be considered as part of the manufactured home.

(4) Parking.

(a) There shall be at least two off-street parking spaces for each manufactured home within the manufactured home site. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(b) Visitor parking. There shall be one off-street parking space for every two manufactured homes within the park, located throughout the park. Each off-street parking space shall be at least nine feet wide and at least 18 feet long.

(5) Recreation area. A minimum of 10% of the total park area shall be set aside and used for open space or recreational area for the park. Such land shall be suitable for such use and shall be maintained by the owner of the park in a neat

and usable condition for the residents of the manufactured home park. Setbacks from streets and property lines required in Subsection B(3) above shall not be deemed to be a part of the required recreation or open space areas.

(6) Screening and landscaping. Each manufactured home park shall have a landscaped area at least 20 feet wide along exterior lot lines and public roads, suitably planted and maintained to provide visual screening from adjacent properties. The Planning Board may also require a fence for additional screening if appropriate. At the option of the Planning Board, existing vegetation can be used in lieu of screening requirements.

(7) Internal road system. Manufactured home parks shall have an internal road system capable of meeting the needs of public safety and welfare, as determined by the Planning Board, which may require two or more access points for the purpose of emergency service. Two or more access points are mandatory for applications of 20 or more manufactured home sites. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(8) Underground utilities. All utilities shall be placed underground.

(9) Street signs and numbering. All internal roads will be adequately marked with signs to facilitate the provision of emergency services. Each unit must be separately numbered for convenient identification.

(10) Skirting. All manufactured home units must be fully skirted within 30 days of their placement on site.

(11) Standards. All replacement manufactured home units must be in conformance with the Federal Mobile Home Construction and Safety Standards.

(12) Additional provisions. Each manufactured home park shall provide sanitary conveniences, service and utilities, including water supply, sewage disposal and garbage disposal, commensurate with the following:

(a) Adequate water supply and sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Pleasant Valley and Dutchess County Department of Health.

(b) Refuse disposal.

[1] Adequate refuse receptacles with covers shall be provided for each manufactured home.

[2] These receptacles shall be kept in sanitary condition and emptied at least weekly.

[3] Central refuse receptacles may be required by the Planning Board.

[4] These receptacles shall be screened.

(c) Mailboxes. Mail delivery will be made to a central location in an enclosed

structure of a consistent style and color.

(d) Maintenance.

[1] All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will be a menace to the health of any occupant or the public or constitute a nuisance.

[2] All required improvements, including landscaping and screening, shall be maintained.

(e) Snow removal. Internal drives shall be kept free of snow by the park owner or homeowners' association.

(13) Emergency housing. Emergency residential temporary use may be granted for up to three months by the Zoning Administrator and extended up to an additional nine months by special use permit. A use shall be termed an emergency residential temporary use only if it is a residential temporary use arising from the catastrophic loss of a previously established residential use and is limited to the property of the lost use during construction of a replacement residence. Failure to comply with this subsection, after written notice of violation, shall entitle the Town to remove the temporary building or building or manufactured home from the premises at the property owner's expense. Failure to enforce this section in any specific instance shall not be deemed a waiver of the Town's right to enforce this section at any subsequent time.

§ 98-37. Mining.

A. Introduction. The New York State Mined Land Reclamation Law requires the issuance of a permit for mining if more than 750 cubic yards or 1,000 tons, whichever is less, of minerals from the earth are mined within any 12 consecutive months. Such permits are issued by the New York State Department of Environmental Conservation. In addition, a special use permit from the Zoning Board of Appeals shall be obtained by the owner of the property, or the entity responsible for the mining operation, prior to the commencement of any site activity related to mining.

B. Considerations and requirements to be included in the contents of the special use permit are as follows:

(1) Angle of repose. The final slope of material in the excavation or pit shall be at least equal to the normal angle of repose of the material.

(2) Lateral support. There shall be adequate lateral support at all times for the soil of adjoining lots.

(3) Water resources. The natural water supply of adjoining lots shall be unimpaired. The final contours shall be such as to prevent the accumulation of

stagnant waters.

(4) Restoration. Within one year after the termination of operations, all area except that covered by buildings or intended to be covered by buildings for which valid construction permits have been issued, or covered by a permanent body of fresh water or included in the sites for existing or planned roads, shall be covered with topsoil to the depth of three inches and shall be seeded.

(5) Invalidation. Whenever a construction permit becomes invalid or if a planned road does not become an existing road within three years after termination of operations, any area from which natural products have been extracted or which has been involved in extraction operations shall be covered with topsoil to the depth of three inches and shall be seeded.

(6) Performance security. Security acceptable to the Town Board shall be given to the Town Board at the time of the issuance of the special use permit, to guarantee fulfillment of the conditions under which the permit is issued.

(7) Application referral. In addition to the required referral to the Planning Board, all applications for special use permits shall be referred to the Conservation Advisory Council for its recommendations.

§ 98-38. Motor vehicle fueling facilities, repair shops and washing facilities.

"Fueling facility" is taken to include the sale of fuel and maintenance products for motor vehicles, as well as other ancillary convenience items. "Repair shop" is taken to include the commercial or industrial performance of general maintenance and repair activities on motor vehicles. "Washing facility" is taken to include the manual or automated washing/ cleaning of motor vehicle exterior and/or interior surfaces.

A. All fuel shall be stored in underground tanks located at least 35 feet distant from the public right-of-way and lot lines and shall be solely for the purpose of the business on said lot.

B. No damaged, wrecked or partly disassembled motor vehicle shall be stored on the premises for more than 30 days if a registered vehicle or for more than 10 days if unregistered or having temporary plates. All vehicles awaiting repair shall be stored indoors or within a screened enclosure conforming to the setback requirements for the building. At no point shall any damaged, wrecked, or partly disassembled motor vehicle be visible from any public right-of-way.

C. All activities associated with the repair shop shall take place within an enclosed structure.

D. Fuel pumps and wash bays shall be accessible by the largest vehicle to be serviced, with waiting space for as many such vehicles as may reasonably be expected to arrive at the same time, in such a manner that neither vehicles being serviced nor those waiting interfere with the flow of traffic on, to, or from the public roadway. One-way traffic at pump islands is preferred; that is, in the same direction for both sides of the island.

E. No gasoline pump shall be placed closer to any side property line than 50 feet.

F. All washing facilities that include a convenience store, or associated building, shall construct the washing facility to the rear of the building.

G. A minimum of seven waiting spaces shall be provided on the washing facility premises if the conveyor line is 100 feet or less in length. Such spaces shall be increased by one space for each additional 15 feet or part thereof that the conveyor line exceeds 100 feet. The building exit for vehicles that have completed the washing process shall be at least 50 feet distance from the nearest point of the public sidewalk in front of the exit.

H. Any automatic vehicle wash shall be designed and/or soundproofed such that the noise emanating therefrom, as measured from the property line, shall be no more audible than the ambient noise emanating from the ordinary street traffic and from other commercial or industrial uses in the area.

I. An automobile washing facility shall be enclosed for all operations, except final hand drying operations.

J. All motor vehicle service stations that include a convenience store shall construct the convenience store to the front of the pumps and canopy.

K. Provision of a direct sidewalk connection, where applicable, to the convenience store or station building shall be provided.

L. Provision of pedestrian amenities, such as bike racks and benches, shall be provided when applicable.

M. Any canopy shall be constructed to coordinate with the motor vehicle service station building or convenience store architecture and roofline and, where possible, be connected to the station building or convenience store.

N. The canopy shall have recessed, nonglare lighting under the canopy, with no off-site light spillage.

O. All waste material shall be stored within a structure or enclosed within fencing at least six feet high and not visible at any property line of the establishment.

P. Outdoor storage and display of accessories shall be prohibited.

Q. If a use is abandoned for a period beyond 360 days, fuel storage tanks shall be filled with a noncombustible substance.

R. Road frontage. The minimum road frontage of the lot shall be 125 feet, with a minimum depth of 100 feet.

S. Site plan approval. No site plan approval shall be given to a proposed motor vehicle fueling facility if the proposed site is within a radius of 1,500 feet of an existing station, such distances to be measured between the nearest two points located any place on the property boundaries of each parcel in question.

§ 98-39. Motor vehicle sales.

The following apply to motor vehicle sales. "Sales" is taken to include new and used vehicles, requiring storage and display area for the vehicles.

A. The principal use of the property shall be the sale of motor vehicles. Permissible accessory uses include repair shops, provided that such repair shops comply with all the regulations to which a repair shop would be subject to as a principal use.

B. All such establishments shall have a fully enclosed sales building with a showroom area.

C. All outdoor display and service areas, including driveways and parking facilities, shall be paved. Motor vehicles and equipment shall be kept at least 20 feet from the right-of-way and property lines and shall be neatly arranged on the lot.

D. Required front yards may be used only for necessary driveways. Side and rear yards may be used for customer parking and the parking of for-sale vehicles, but no structures or parking shall be permitted within any required landscaping or buffering area. In no case shall be there be a buffer of less than 20 feet along any property line. All plant materials within a required landscaping or buffering area shall be of such a size, species, and density that they will result in the least possible transmission of headlight glare from the property.

E. Display lighting shall be shielded and shall be so located and maintained as to not constitute a hazard of nuisance to the traveling public or neighbors. In particular, banners, temporary signs, balloons, flags, and other signage not in conformance with the Town's sign regulations shall be prohibited.[6]

F. Sale of a registered vehicle, other than as a commercial motor vehicles sales business, requires that the vehicle shall be owned by the property owner, be located on the owner's property, and shall be limited to the selling of one vehicle at any given time.

§ 98-40. Multifamily, townhouse and two-family dwellings. [Amended 10-12-2011 by L.L. No. 5-2011]

A. Multifamily dwellings and townhouses shall be permitted in the Town under the following general regulations:

(1) All area and bulk requirements shall conform to the Schedule of Area and Bulk Requirements as found in this chapter.[7]

(2) Site plan approval shall be required by the Town Planning Board.

(3) The architectural design and arrangement of buildings shall conform to the architectural guidelines of this chapter and, specifically, § 98-47. Appropriate

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6. **Editor's Note: See § 98-46, Signs.**

7. **Editor's Note: The Schedule of Area and Bulk Requirements is included at the end of this chapter.**

building materials, lighting and landscaping shall be provided to ensure compatibility with the desired character of the neighborhood.

(4) A recreation fee will be charged for all new residential units as provided for in the current fee schedule. On-site dedication of land or construction of recreational facilities can be an alternative to a recreational fee.

(5) Adequate water supply and sewage disposal facilities shall be provided, in full accordance with the requirements of the Town of Pleasant Valley and the Dutchess County Department of Health.

(6) Central refuse receptacles may be required by the Planning Board. These receptacles shall be screened and designed in a manner that facilitates the control of odor.

(7) Maintenance.

(a) All related service buildings shall be maintained in a clean, sightly condition and shall be kept free of any condition that will be a menace to the health of any occupant or the public or that will constitute a nuisance.

(b) All required improvements, including landscaping and screening, shall be maintained.

(8) Snow removal. Internal drives shall be kept free of snow by the multifamily owner or homeowner's association.

(9) Maximum density. The maximum density for new multifamily dwellings and townhouses shall be:

(a) With both common or municipal water and sewer: eight units per acre;

(b) With either common or municipal water or sewer: four units per acre;

(c) With no common or municipal water or sewer: two units per acre.

B. Multifamily dwellings shall conform to the following regulations, in addition to those listed in § 98-40A:

(1) The minimum floor area of each dwelling unit shall be as follows:

(a) For a studio apartment: 400 square feet;

(b) For a one-bedroom apartment: 500 square feet;

(c) For a two-bedroom apartment: 700 square feet;

(d) For a three-bedroom apartment: 900 square feet.

(2) Height. In the hamlet districts, upper-floor residential use is encouraged above shops and businesses. In these districts, two-story buildings are preferred, although three-story buildings may be permitted by the Planning Board if deemed appropriate.

(3) No building shall exceed 150 feet in length.

(4) No multifamily dwellings shall be located closer than 50 feet to any other principal building.

(5) Usable open space, excluding parking, must be provided for the tenants. This open area shall be a minimum of 150 square feet per bedroom for the adaptation of existing structures and at least 40% of the gross lot area for new structures.

C. Two-family dwellings. Lots containing two-family dwellings in districts other than HR, H-PV, H-SP or H-WH shall be at least twice the recommended lot size in the district and shall not be subject to the requirements of § 98-40A and B above.

§ 98-41. Off-street loading.

A. On the same premises with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.

B. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading space shall be provided as set forth below at the time of erection of any building or structure and/ or at the time any building or structure is enlarged or increased in capacity.

C. Each off-street loading space shall be a minimum of 15 feet in width and 14 feet in height. "Large" loading spaces shall be a minimum of 60 feet in length, and "small" loading spaces shall be a minimum of 40 feet in length. These minimum requirements are exclusive of space for access and turning.

§ 98-42. Off-street parking.

A. Off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed, moved, enlarged, or altered, in accordance with the requirements set forth in the Off-Street Parking and Loading Schedule. Each automobile parking space shall be nine feet by 18 feet to accommodate an automobile 18 feet in length or as follows:

Angle	Stall Length (feet)	Minimum Stall Width (feet)	Aisle Width (feet)
90°	18	9	24
60°	19	9	16
45°	18	9	13
On-street	22	7 to 8	10 to 12 travel lane

Note: Handicapped parking spaces shall be provided in accordance with all state and federal ADA regulations (ICC/ANSI A117.1).

B. Parking lots in new commercial and industrial development shall be placed to the rear or side of the structure. The use of shared driveways and internally linked circulation or service roads between adjacent parcels shall be encouraged. The Board shall require written assurance and/or deed restrictions, satisfactory to the Town's attorney, binding the owner and all heirs and assignees to permit and maintain such internal access and circulation and interuse of parking facilities.

C. Combination of uses.

(1) In the case of a combination of uses, the total number of off-street parking spaces shall be determined by the Planning Board and shall take into account shared parking strategies.

(2) Applicants are required to investigate shared parking strategies to reduce the total number of parking spaces. The applicant must provide information about the peak parking demand of the uses on the lot to determine an appropriate reduction in the total number of parking spaces. Such information must take into account the parking demand of residents, employees, customers, visitors, and any other users of the site in question. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight. The Planning Board may require interconnected parking areas if deemed appropriate.

D. Fractional space. Whenever a fraction of a space is required for the sum of requirements, a full space shall be provided.

E. Location of required spaces.

(1) Required off-street automobile parking spaces shall be provided on a buildable portion of the same lot.

(2) There shall be provision within the parking area for snow storage.

F. Construction of nonresidential parking areas.

(1) Nonagricultural. Parking areas shall be paved with a year-round dustless surface. Use of appropriate pervious materials is encouraged. Such parking

areas shall be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks of street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

(2) Agricultural and agricultural related uses. Parking shall be sufficient to accommodate the use and shall be adequate for the health, safety and welfare of the public. Paving and lighting requirements shall be waived by the Planning Board unless such requirements are deemed necessary by the Code Enforcement Officer.

G. No off-street automobile parking or storage space shall be designed, arranged or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property, or (except in connection with a one-family dwelling) where it is necessary to use any part of a street right-of-way for approach, turning and exit of an automobile.

H. Unobstructed access to and from a street, designed so as to not require the backing of any vehicle across a sidewalk or a traffic lane, shall be provided for all parking and loading spaces. Such access driveway width shall be consistent with the aisle width of the required parking. In general, such driveways shall be at least 26 feet in width, except where the Planning Board determines that a lesser width is sufficient.

I. Drive-through businesses. The drive-through aisle(s) shall be sufficient to accommodate stacking of vehicles without causing obstructions or interference to emergency access, sidewalks, driveways, parking spaces, and/or traffic lanes. Drive-through accommodations shall be located so as to cause the least visual intrusion to public view. The applicant shall provide data as to the maximum expected vehicle stacking, and an illustrative plan showing the capability of providing such vehicle stacking safely.

J. Parking area grades. The maximum slope within a parking area shall be 5%.

K. Heavy equipment. The parking of trucks (except pickup trucks), moving vans, school buses, heavy construction equipment and similar commercial vehicles is prohibited in all residential districts except during deliveries and actual operations and except for one vehicle used principally as a personal conveyance, which shall not be parked in the required front yard or within the required side yard.

L. Driveways.

(1) No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residential district for the servicing of any use located in a business or industrial district.

(2) No driveways shall be located or designed such that they interfere with the normal traffic movements of any intersection.

(3) Driveway center lines shall intersect a street line at no less than the minimum standard of the appropriate reviewing agency (local, county, or state).

M. Driveway grades. Requirements for new driveways shall conform to Chapter 46, Driveways and Highway Work Permits, § 46-3, Standard requirements for new driveways, in addition to the following:

(1) The maximum grade for any new driveway accessory to a single-family dwelling, and connecting its off-street parking area to a street, shall be 10%, except where it can be demonstrated to the satisfaction of the approving authority that, because of unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed 15%.

(2) The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the approving authority shall have the same power to permit increased grades here as above, provided that such grades shall in no case exceed 15%.

(3) Notwithstanding the maximum permitted grades specified above, no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 30 feet of the edge of pavement, or within 25 feet of the property line of the street, whichever distance is greater. The Planning Board may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.

(4) Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway. All sight easement areas are to remain free of any man-made or natural objects that would prohibit a free line of sight of 300 feet to 400 feet, to be determined by posted speed limits, measured along the center line of the road.

(5) Pavement materials shall conform to specifications as outlined in the "Specifications" section of Town of Pleasant Valley Highway Specifications.

N. Landscaping. Parking lots shall be screened from the road, and the landscaping plan shall be subject to Planning Board review. The following are minimum requirements:

(1) A continuous area of a lot consisting of 10 or more parking spaces shall be provided with not less than one shade tree for each 10 cars or fraction thereof, which trees shall not be less than three inches in diameter at breast height.

(2) In all off-street parking areas containing 25 or more parking spaces, at least 15% of the area between the inside perimeter of the parking surface of the parking area shall be curbed and landscaped with appropriate trees, shrubs, and

other plant materials as determined necessary by the Planning Board to assure the establishment of a safe, convenient and attractive parking facility.

(3) All such landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition.

(4) A letter of credit, its amount to be approved by the Town Board with the recommendation of the Planning Board, may be required to ensure maintenance of required landscaping for a minimum of one year.

(5) Whenever a parking area abuts a residential district, a wooden privacy or stockade fence, or compact evergreen hedge, shall be established and maintained along the district boundary lines.

(6) Where the Planning Board finds it appropriate to use pervious paving material(s), such as grass pavers, in order to provide groundwater recharge and reduce stormwater runoff volume, the applicant may be required to provide such pavement in parking areas, driveways, and/or pedestrian areas.

(7) All parking lot design shall take into consideration Article XXI, Greenway Guide E3, Parking Lots.

O. Schedule of off-street parking requirements.

(1) The following table sets forth the required number of off-street parking spaces to be provided with respect to each of the uses specified. The required number shall be the maximum allowed. The Planning Board may reduce the number of off-street parking spaces required for any use specified if, after consideration of all factors which may affect the parking needs of a particular use, the Planning Board determines that the required number of parking spaces would be excessive and may result in an unwarranted increase in impervious surfaces and/or stormwater run-off or other SEQRA-related issues.

(2) For structures and land uses that do not fall within the categories listed, requirements shall be determined in each case by the Planning Board, which shall consider all factors entering into the parking needs of each use [At the time of site plan submittal, the latest edition of the Institute of Transportation Engineers (ITE) Parking Generation Report and the American Planning Association (APA) Parking Standards should be consulted.].

Use	**Required Off-Street Parking Spaces**
RESIDENTIAL	
Dwellings	2 per dwelling unit
Dwelling, accessory	2 per accessory dwelling unit
AGRICULTURAL	
For all agricultural uses	See § 98-42F(2)
NONRESIDENTIAL	

Use	Required Off-Street Parking Spaces
Business, general	1 per 250 square feet of gross floor area
Business, recreational	1 per 5 customers/users based on maximum capacity, plus 1 per 2 employees
Club	2 for each 1,000 square feet of gross floor area
Day-care center/home	0.35 per person (licensed capacity)
Educational institution (private)	1 per classroom, plus 1 for every 50 students for elementary and middle schools, and plus 1 for every 10 students for high school, based on enrollment capacity
Group home	1 per every 2 employees
Home occupation	1 in addition to spaces required for residential dwelling, plus 1 for the nonresident employee, if any
Hospital	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient, plus 1 per 4 medical staff
Light industry	1 per 400 square feet of gross floor area
Lodging facility	1 per guest room, plus 1 per every 2 employees
Motor vehicle fueling facility/repair shop	2 spaces per service bay, plus 3 for every 1,000 square feet of gross floor area; spaces within service areas of building and at pumps and access lanes shall not be counted
Motor vehicle wash facility	2, plus 1 per each 2 peak shift employees, plus 5 stacking spaces per wash bay
Motor vehicle sales	1 per 500 square feet of salesroom and/or office; these spaces shall not be used to park for-sale or for-rent cars
Nursing home	1 per 4 beds, plus 1 per employee
Office (including medical)	3 per 1,000 square feet of gross floor area, excluding storage areas
Restaurant or bar	1 for every 3 seats, or 1 per 100 square feet of gross floor area, whichever is greater
Restaurant, fast-food	1 for every 2 seats, or 1 per 75 square feet of gross floor area, whichever is greater, plus 3 stacking spaces for drive-through window
Theater or religious institution	1 space for every 5 fixed seats; 1 per 100 square feet in places without fixed seats; plus spaces for any associated residential use

Use	Required Off-Street Parking Spaces
Veterinary Clinic (MC, OI, H-PV, H-SP, H-WH Districts)	4 per doctor in usual attendance, plus 1 per employee
Veterinary clinic (CONS, RA, RR Districts)	See § 98-52
Warehouse, self-service storage	1 per 1,000 square feet of gross floor area, but not less than 4 spaces

§ 98-43. Outdoor storage.

Outdoor storage is defined as land used for the keeping of materials or equipment outside any building or structure. The term "outdoor storage" does not include junkyards. Land used for temporary storage of construction materials or equipment, as an accessory use to a construction project, is not to be considered outdoor storage. Sheds are not considered outdoor storage. See § 98-13G for residential trash receptacles.

A. No flammable or explosive liquids, solids or gases shall be stored aboveground. Tanks or drums of fuel directly connected to heating devices or appliances located on the same premises as the tanks or drums of fuel may be permitted, provided they meet the requirements of the NFPA and the Town. No more fuel than is necessarily required for the principal use shall be stored on the premises.

B. All outdoor storage facilities shall be enclosed by a fence or wall and landscaping, adequate to conceal such facilities and the contents thereof from adjacent property, and shall meet all required setbacks for the district in which they are located. This provision shall not apply to outdoor storage of new motor vehicles or other vehicles on the premises of motor vehicle sales or rental establishments.

C. No materials or wastes shall be stored on any premises in such form or manner that they may be transferred off such premises by natural causes or forces, such as wind or rain.

D. All materials or wastes that might cause fumes or dust, or which constitute a fire hazard or which may be edible by, or otherwise attractive to, rodents or insects shall be stored outdoors only in enclosed containers.

E. No material or equipment stored outdoors shall exceed a height of 10 feet above grade within 50 feet of a property line. In no case shall material or equipment stored exceed the height of the principal building on the property.

F. Any outdoor storage not conforming to these regulations shall be subject to fines as determined by the Town fee schedule. Once cited by the Zoning Administrator as not conforming, there shall be a one-month period given from the time of the citation to correct the nonconformity, before a fine is charged to the owner of the land.

§ 98-44. Public utility facilities.

In order to protect neighboring properties from any associated facility noises, facility lighting and/or detriments to the visual qualities of the surrounding area, adequate screening of the facility and sound barriers consisting of landscaping and/or fencing shall be provided if the need for such additional protection is determined necessary by the Planning Board in the site plan review process.

§ 98-45. Quarrying.

The Town has only one active quarry and intends to limit quarrying to the Quarry District. The present operation includes quarrying and the production, storage and distribution of asphalt and cement. Both additional uses are hereby permitted in the Quarry District.

A. Dust and noise. No quarry operation shall increase the ambient level of atmosphere dust beyond the limits of the Quarry District, nor shall any quarry emit an injurious amount of noise or a destructive amount of vibration beyond such limits. The requirements of § 98-25A and B shall also apply.

B. Setbacks. All new operations within a quarry shall be set back at least 250 feet from the property lines of the quarry.

C. Road surface. All roads within any quarry which are located within 500 feet of any residence district boundary shall be provided with a dustless surface satisfactory to the Town Highway Superintendent.

D. Site plan approval. The location and site plan of any building within 500 feet of any street or property line shall be subject to approval by the Planning Board.

E. Fencing. There shall be a six-foot chain-link fence or other acceptable fencing erected around all excavated areas that abut a public highway or private property other than that belonging to the quarry's owner.

F. Restoration. Within one year after the termination of operations, all the area except that covered by buildings or intended to be covered by buildings for which valid construction permits have been issued, or covered by a permanent body of fresh water or included in the sites for existing or planned roads shall be covered with topsoil to a depth of three inches.

G. Performance security. Security acceptable to the Town Board shall be given to the Town Board at the time of the issuance of the special use permit, to guarantee fulfillment of the conditions under which the permit is issued.

H. Application referral. In addition to the required referral to the Planning Board, all applications for special use permits shall be referred to the Conservation Advisory Council for its recommendations.

§ 98-46. Signs.

A. Purpose. The purpose of this section is to promote and protect the public health, safety, and welfare by regulating signs of all types. The appearance, character, and quality of a community are affected by the location, size, and construction of its signs. This section is intended to encourage the use of legible, uncluttered signs as a means of business identification, to reduce hazards and distractions to motorists and pedestrians traveling on the public way, to protect property values, to protect and enhance the desired aesthetic environment, to enhance the Town of Pleasant Valley's ability to attract and retain sources of economic growth, and to promote the public health, safety and welfare of the community.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

A-FRAME SIGN — An A-frame easel or sandwich-board-style sign.

AWNING — Any nonrigid material such as fabric or flexible plastic that is supported by a frame that is attached to an exterior wall.

AWNING SIGN — Any visual message on an awning.

BACKLIT SIGN — A sign consisting of opaque lettering with the light source hidden behind the letters, creating a glow or halo effect around the letters.

BANNER — Any temporary sign made from fabric or any nonrigid material and supported at two or more points.

BENCH SIGN — Any sign painted on or otherwise attached to a bench or other seat meant to be seen by the public.

BILLBOARD — An off-premises sign which is leased or rented for profit.

CHANGEABLE SIGN — A sign with the capability of content change by means of manual or electronic input.

CORNICE — Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roofline, including eaves and other roof overhangs (typically, where the top of the wall meets the roof).

DIRECTIONAL SIGN — Any on-premises sign providing directions or instructions for the convenience of the general public, identifying public parking areas, fire zones, entrances, exits and other similar signs.

EXTERNALLY ILLUMINATED SIGN — A sign lighted by external light, preferably down-lit from above.

FLAG — Any fluttering device made from fabric or any nonrigid material and supported by at least one point.

FREESTANDING SIGN — Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are monument signs, pole signs, and post-and-arm signs.

HEIGHT, SIGN — The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign to the highest point of the sign, including support structures.

INFLATABLE SIGN — Any display capable of being expanded by air or other gas and used on a permanent or temporary basis.

INTERNALLY ILLUMINATED SIGN — A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Neon signs are considered internally illuminated.

MONUMENT SIGN — A freestanding sign with a base affixed to the ground.

NONCOMMERCIAL SIGN — A sign containing copy which does not promote a business, commodity, service, or entertainment.

OBSOLETE SIGN — Any sign that no longer advertises a bona fide business or products available for purchase or that advertises a dated event the date of which has passed. Obsolete signs are subject to removal pursuant to Subsection K.

OFF-PREMISES SIGN — A sign which promotes products, services, or activities conducted, sold, or offered somewhere other than upon the same premises where the sign is located.

POLE SIGN — A sign that is mounted on a freestanding pole or poles.

PORTABLE SIGN — A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure, or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle where the primary purpose of the vehicle is to promote a product, service, business, or other activity. This definition includes a vehicle hanging or displaying a banner sign whose primary purpose is for advertising. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

POST-AND-ARM SIGN — A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

PRIMARY SIGN — An establishment's principal sign; i.e., the sign which identifies the business to passersby.

PRINCIPAL FACADE — The face of a building that contains the primary entrance to the establishment.

PROJECTING SIGN — A sign attached to a building wall or structure that projects horizontally or at a right angle more than four inches from the face of the building.

ROOF SIGN — Any sign mounted above the cornice line, or over or on the roof or parapet of a building.

SECONDARY SIGN — A sign which communicates accessory information such as hours of operation, "open/closed," etc.

SHOPPING PLAZA — Five or more establishments sharing a single lot.

SIGN — Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, when such is in view of the general public. This definition includes anything

designed to attract attention to the site where the sign is located, including but not limited to pennants, streamers, and balloons. This definition does not include flags and insignia of any government or of any political, civic, military, professional or religious organization.

SIGN AREA — Includes all faces of a sign measured as follows:

(1) When any sign is framed or outlined, all of the area of the frame or outline shall be included.

(2) Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes.

(3) The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols.

(4) The area of a window sign consisting only of letters and symbols affixed or painted on glass shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols.

TEMPORARY SIGN — Any sign that is displayed only for a specified period of time as per Subsection G and is not permanently mounted.

WALL SIGN — A sign which is painted on or attached to the outside wall of a building, with the face of the sign in the plane parallel to such wall so that only one side is visible to the public, and not extending more than nine inches from the face of such wall.

WINDOW SIGN — A sign visible from a sidewalk, street, or other public place, affixed or painted on glass or other window material, or located inside within three feet of the window and directed at outside passersby.

C. Permit required.

(1) A sign, as defined herein, may be placed, erected, constructed, painted, altered, relocated, enlarged, reconstructed, displayed, lit, or maintained only as expressly permitted in this section and upon issuance of a sign permit by the Zoning Administrator or any duly appointed deputy administrator.

(2) Unless specified otherwise herein, all permanent signs require review and approval of the Planning Board.

D. Permit procedures.

(1) Applications shall be made in writing to the Zoning Administrator on forms prescribed and provided by the Town and shall be accompanied by an application fee, payable to the Town of Pleasant Valley, in accordance with the current fee schedule. The application shall contain:

(a) Name, address, telephone number, and e-mail address of the applicant

and property owner.

(b) Location of the building, structure, or land upon which the sign now exists or is to be erected, and the location of the property where the sign is to be erected.

(c) The lineal frontage of the storefront or building for which a sign is to be placed.

(d) For permanent signs, a scaled drawing of the sign showing:

[1] Type of sign, shape, size, and materials.

[2] Graphic design, including pictorial matter, letters, materials, and colors.

[3] The visual message, text, copy, or content of the sign.

[4] The method of illumination, if any, including type of lamp and wattage, and the position of lighting.

[5] Landscaping, if any, including number and types of vegetation, location of plantings, and planting and maintenance schedule.

(e) If a new permanent sign is to be erected, or an existing permanent sign is to be altered in size or elevation, a plan, drawn to scale, shall be submitted showing the following:

[1] If a freestanding sign, a full description of the placement of the proposed sign, specifying its location on the premises, its orientation, any proposed landscaping, and its position in relation to adjacent buildings, structures, roads, driveways, property lines, other signs, lighting fixtures, walls, and fences. The location of the sign as shown on the plan must demonstrate that the sign in not located in any Town, county or state right-of-way.

[2] If an awning, window, wall, or projecting sign, a full description of the placement of the proposed sign, which shall include location on the awning, window, wall or building; the size of the awning, total window area of the principal facade of the building, projection from the building face (if relevant), and the proposed sign's position in relation to adjacent signs and lighting fixtures.

(2) For all signs, if the applicant is not the owner of the property on which the sign is to be located, the applicant must provide to the Town either written permission from the property owner to place the sign on the property, or a copy of a contract or lease showing that the applicant has care, custody and control of the property on which the sign is to be located.

(3) Review and decision on application.

(a) Within a reasonable time after the filing of a completed application for a sign permit and the payment of the required fee, but not longer than 10 days, the Zoning Administrator shall review the application to determine if the proposed sign is in compliance with all the requirements of this § 98-46, and if it is in compliance shall refer it to the Planning Board, if required. If referral to the Planning Board is not required and all other requirements are satisfied, the Zoning Administrator shall issue the sign permit.

(b) The Planning Board, within a reasonable time of its receipt of a complete application for a sign permit, but not longer than 90 days if not in conjunction with a site plan and/or special use permit application, shall consider the application and shall approve, approve with modifications, or deny the application and notify the Zoning Administrator of its decision on this matter. If the sign permit is approved, the Zoning Administrator shall issue a sign permit.

(4) Once a permit has been issued, no permit shall be required for a sign to be repainted or repaired in accordance with the approved design, graphics, and messaging of the sign.

(5) Any sign requiring a permit which is removed for a period of more than 30 days cannot be re-erected unless a new sign permit application is submitted and a new permit is issued in accordance with Subsection D above. This subsection shall apply regardless of when the sign which was removed was originally erected and regardless of whether said removed sign was the subject of a validly issued sign permit.

(6) Time limit. If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

E. Exempt signs. The following signs are exempt from the permit and approval requirements of this section. All exempt signs shall be removed within seven days of obsolescence. Each exempt sign shall comply with all other provisions of this chapter.

(1) Historical markers, tablets and statues, memorial signs and plaques indicating names of buildings and dates of erection, not exceeding six square feet.

(2) On-premises directional or traffic control signs painted on the road surface, identifying parking areas, fire zones, entrances and exits, and similar signs painted on the road surface. Business names and personal names shall not be allowed. The Planning Board shall limit the number of signs of this type to the minimum necessary in order to avoid duplicative or extraneous signs of this type.

(3) Nonilluminated warning, "private drive," "posted," or "no trespassing" signs, not exceeding one square foot.

(4) Number and name plates identifying residents, mounted on a house,

apartment, or mailbox, not exceeding one square foot total.

(5) Temporary nonilluminated "For Sale" or "For Rent" real estate signs, and signs of a similar nature, not exceeding two square feet, concerning the premises upon which the sign is located. All such signs shall be limited to one per premises.

(6) One temporary sign, not exceeding four square feet, listing the architect, engineer, and/or contractor, on the premises while construction, renovation, or repair is in progress.

(7) A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election may be posted on private property. Such signs shall be no larger than any other exempt sign permitted in this subsection.

(8) Any sign mandated by a governmental unit.

(9) Lettering or signage on commercial motor vehicles used primarily for related business transportation. Motor vehicles must be registered and insured.

(10) Decorative or seasonal flags which do not contain any advertising messages except the word "open" may be displayed only during business hours; limit of one per establishment.

(11) Temporary indoor window signs, affixed to or visible through the glass. Indoor window signs shall be restricted to a maximum of 25% of the total square footage of all windows on the principal facade or six square feet, whichever is greater.

(12) On-premises sign(s), not to exceed a total of 24 square feet in sign area, for a farm stand, "u-pick," or other similar agricultural operation.

(13) Noncommercial signs. Such sign shall be no larger than any other exempt sign permitted in this subsection.

(14) Nonilluminated secondary signs totaling not more than one square foot in size per establishment.

F. Prohibited signs. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:

(1) Bench signs, except commemorative plaques.

(2) Billboards.

(3) Electronic changeable signs.

(4) Fluttering devices such as streamers, ribbons, balloons, spinners, pennants and groupings of flags, except as permitted under Subsections E(10), G(2)(a) and G(2)(b).

(5) Handwritten signs promoting a business, commodity, service, or entertainment.

(6) Inflatable signs.

(7) Internally illuminated signs, including neon signs, except as permitted in Subsection I(1)(f).

(8) Off-premises signs, except as permitted under the exempt sign provisions of Subsection E(8).

(9) Pole signs.

(10) Portable signs.

(11) Posters temporarily affixed to buildings, telephone poles, etc.

(12) Roof signs.

(13) Rotating or otherwise moving signs.

(14) Televisions used outdoors in conjunction with a nonresidential use.

(15) No sign shall be illuminated by or contain flashing, intermittent, changing, rotating, or moving lights.

(16) No sign which may be confused with or obstruct the view of any authorized traffic sign or signal, or which obstructs the sight distance triangle of any street intersection.

(17) No sign shall be placed in or extend into any Town, county, or state highway right-of-way.

(18) In no event shall any illuminated sign or lighting device be placed in a way permitting light to be directed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.

(19) No sign may be attached to a building wall or structure that projects horizontally or at a right angle more than nine inches from the face of the building, except for projecting signs as outlined in Subsection I(1)(a)[1], I(1)(a)[3], and I(2)(a)[3].

(20) No advertising message shall be extended over a succession of signs placed along a street or highway.

(21) No temporary sign may be painted directly on a window surface.

G. Temporary signs. All signs of a temporary nature must receive permits before being displayed, except those specified under Subsection E, Exempt signs. Planning Board approval is not required for temporary signs, except where fluttering devices are also proposed as outlined below, and the Zoning Administrator or any duly

appointed deputy administrator shall issue or deny a temporary sign permit within a reasonable length of time. Both the permit and the sign shall note the date of the first day the sign may be displayed and the date it must be removed.

(1) Removal of temporary signs. Upon issuance of a sign permit, a cash security deposit, in accordance with the current fee schedule, shall be deposited with the Zoning Administrator or any duly appointed deputy administrator to ensure removal of the sign(s) upon expiration of the permit period. If any temporary sign is not removed by the expiration of the time limit noted on the application, the Zoning Administrator or any duly appointed deputy administrator, after seven days' written notice to the permit holder to remove such sign(s) as computed from the mailing date, and after failure of the permit holder to do so, will cause said sign(s) to be removed, and the cash security deposit shall be forfeited to the Town.

(2) Temporary signs are allowed for:

(a) Promotions/Events. Temporary signs for promotions, sales, or other events may be granted a temporary sign permit. Each establishment may be granted temporary sign permits for no more than 90 days total during the calendar year. Each temporary sign permit is valid for no more than two temporary signs. The maximum aggregate total square footage allowed by the temporary sign permit is 18 square feet. Temporary signs for grand openings are considered separately under Subsection G(2)(b). The Zoning Administrator may allow fluttering devices such as balloons or groupings of flags to be used in addition to, and at the same time as, the temporary signs, for no more than 10 days total during the calendar year, so long as such fluttering devices do not interfere with public safety.

(b) Grand openings. One temporary sign, which is displayed for not more than 30 days, relating to a grand opening may be granted a temporary sign permit. Such sign shall be limited to six square feet in residential districts and 24 square feet in all other districts. No establishment shall display more than one such temporary sign, and no business shall be granted more than one temporary sign permit for a grand opening event. The Zoning Administrator may allow fluttering devices such as balloons or groupings of flags to be used in addition to, and at the same time as, the temporary grand opening sign, for no more than 10 days total during the permitted thirty-day time period, so long as such fluttering devices do not interfere with public safety.

(c) Subdivision real estate sales. Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning Board.

[1] One such sign may be located on each side of the property which has frontage on a Town, county, or state highway or street on which the subdivision fronts, or at the intersection of a newly created road for the subdivision and a Town, county or state highway or street. Said sign(s) shall be located at least 10 feet from the property line and

shall be permitted up to a maximum of one year from the date of signature of the map by the Planning Board Chair. Upon written application from the subdivider, the Planning Board may extend this period for one additional year, when the Planning Board deems that the circumstances warrant such extension. The subdivider shall post a cash security deposit, payable to the Town of Pleasant Valley, in accordance with the current fee schedule, as a reasonable condition of removal.

[2] Each such sign shall be single-sided only, shall not exceed four feet in height, and the total sign area of each sign shall not exceed 18 square feet.

(d) Nonilluminated "yard sale" or similarly descriptive signs. Said signs are allowed up to two square feet, located fully on the property on which such sale is being conducted, but shall not be affixed to utility poles. Such sign shall not exceed one per premises and shall be removed within one day after the sale. Not more than three such temporary sign permits may be issued for one property within any one calendar year. Off-premises yard sale signs are prohibited.

H. Permanent signs within residential districts. Within residential districts, the following signs are permitted:

(1) For each dwelling unit, one nonilluminated nameplate, professional sign, or sign indicating a permitted home occupation on the property upon which the sign is located, with an area of not more than six square feet per face.

(2) For subdivisions, mobile home parks, or condominium, townhouse, or apartment complexes, one nonilluminated monument sign containing an area of not more than eight square feet and located not more than five feet above ground level at its highest point, identifying the subdivision, mobile home park, or complex, may be displayed. Such sign shall be set back at least 10 feet from the edge of the pavement of any public road and shall not obstruct safe sight lines.

(3) For preexisting, nonconforming nonresidential uses in a residential district, and for allowable nonresidential uses in a residential district, the sign regulations of Subsection I(1)(a) and I(1)(b) shall be applied.

I. Permanent signs within all other districts.

(1) Hamlet (H-PV, H-SP, H-WH) and Mixed Use Commercial (MC) Districts.

(a) Where a property contains one establishment, not more than one primary sign shall be permitted, except as permitted in Subsection I(1)(d) and I(1)(f). Such sign shall be one of the following sign types:

[1] Projecting sign, located on the establishment's principal facade, no larger than four square feet on each of two sides with a maximum

projection of four feet from the building face, and a minimum ground clearance of eight feet and maximum ground clearance of 10 feet.

[2] Window sign, located on the establishment's principal facade, not larger than 20% of the total window area of the principal facade or a maximum of 20 square feet, whichever is less.

[3] Awning sign, located on the establishment's principal facade, projecting at least four feet into the sidewalk but not more than seven feet, with lettering up to six inches in height and on the valance only. The sign area may cover a maximum of 50% of the valance, or a maximum of eight square feet, whichever is less.

[4] Post-and-arm sign, no larger than four square feet on each of two sides, with a maximum pole height of six feet if no stone planter base is included, or a maximum pole height of seven feet if a stone planter base is included.

[5] Wall sign, located on the establishment's principal facade, as large as one square foot for every three lineal feet of an establishment's principal facade or a maximum of 24 square feet, whichever is less.

[6] Monument sign, no larger than 16 square feet on each of two sides. The monument sign shall be no higher than six feet from the ground. This applies to all components of the sign, including support posts/ columns, decorative millwork, and other similar features.

(b) Where a property contains two to four establishments:

[1] One primary sign is permitted for each establishment, as permitted in Subsection I(1)(a)[1], [2], [3], [4] or [5]; or

[2] One monument sign is permitted for the property, as permitted in Subsection I(1)(a)[6], that is for the identification of all establishments located on the property.

(c) Where a property is defined as a shopping plaza, having five or more establishments:

[1] Each establishment is permitted one primary sign as permitted in Subsection I(1)(a)[1], [2], [3], or [5]. Freestanding signs may not be displayed by individual establishments located within a shopping plaza.

[2] One additional sign in the form of a monument sign shall be permitted for identifying the name of the plaza itself, and shall conform to the following standards:

[a] The monument sign shall be no larger than 40 square feet.

[b] Essential supporting framework shall not be included in determining the overall square footage of a sign. However, all other components such as decorative millwork, embellishments, and other similar features shall be included in the calculation.

[c] The monument sign shall be no higher than eight feet from the ground. This applies to all components of the sign, including support posts/columns, decorative millwork, and other similar features.

[d] The monument sign may also contain individual tenant panels to identify businesses located within the plaza. Each tenant panel shall be no larger than two square feet.

[e] If the number of tenant panels greatly exceeds what can be accommodated while still maintaining legibility, this maximum size may be increased by the Planning Board to no more than 60 square feet to accommodate the additional tenant panels.

[3] One or more directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet and are limited to generic text such as "entrance," "exit," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety.

(d) Where a sign on the principal facade of an establishment cannot be seen from a public street and where the business is not located in a shopping plaza, the Planning Board may, applying the standards of Subsection N, Relief, consider approval of an additional sign of one of the types listed in Subsection I(1)(a) above, which is visible to a public street.

(e) Each establishment is also permitted one accessory A-frame easel or sandwich-board-style sign. These signs are determined to be an appropriate type of signage for sidewalk areas in pedestrian-friendly districts. They are intended to address pedestrians in close proximity to the establishment, and are not appropriate for communicating with drivers on nearby roadways. These signs shall conform to the following standards:

[1] The sign shall only be displayed during business hours.

[2] The sign shall not block the sidewalk or create a safety hazard of any type.

[3] The sign shall be temporarily attached to the front of the building during use, and the base of the sign shall be located no farther than 24 inches from the face of the building to which it is attached.

[4] The sign shall not be located in the right-of-way of any Town, county, or state road.

[5] The sign shall have no more than two faces, and each face shall have a sign area no larger than six square feet.

[6] The sign shall conform to the design standards listed in Subsection J(3)(f).

(f) The following additional sign(s) shall be permitted for a drive-through establishment:

[1] One or more directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet and are limited to generic text such as "entrance," "exit," "parking," "drive-through," "teller," and "ATM." The Planning Board shall limit the number of signs of this type to the minimum necessary in order to avoid duplicative or extraneous signs of this type.

[2] For a drive-through food service establishment, one menu board sign, not to exceed 24 square feet. Internal illumination is permitted only if the background is a dark color as per Subsection J(2)(d).

(g) For subdivisions, mobile home parks, or condominium, townhouse, or apartment complexes, one nonilluminated monument sign containing an area of not more than eight square feet and located not more than five feet above ground level at its highest point, identifying the subdivision, mobile home park, or complex, may be displayed. Such sign shall be set back at least 10 feet from the edge of the pavement of any public road and shall not obstruct safe sight lines.

(2) Office Industrial (OI), Quarry (Q), and Special Flood Hazard (SFH) Districts.

(a) Not more than one primary sign shall be permitted. Such sign shall be one of the following sign types:

[1] Wall sign no larger than one square foot for each linear foot of building frontage along the principal facade, up to a maximum of 24 square feet.

[2] Window sign no larger than 20% of the total window area of the principal facade or a maximum of 20 square feet, whichever is less.

[3] Projecting sign no larger than four square feet on each of two sides with a maximum projection of four feet from the building face, and a minimum ground clearance of eight feet and maximum ground clearance of 10 feet.

[4] Monument sign no larger than 16 square feet on each of two sides. The monument sign shall be no higher than six feet from the ground.

This applies to all components of the sign, including support posts/ columns, decorative millwork, and other similar features.

(b) Where a building lot is divided into several units of occupancy, the total sign area shall be distributed among the units in accordance with their proportions of the total building area.

(c) There shall be no more than one sign per unit of occupancy.

(d) The greatest dimension of any sign shall not exceed 15 linear feet.

(e) One or more directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet and are limited to generic text such as "entrance," "exit," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety.

J. Design principles and criteria. In reviewing sign applications, the Planning Board shall determine that the sign will uphold and meet the following design principles and criteria:

(1) General design principles. The following principles shall apply to all signs in all districts:

(a) Signs should be a subordinate part of the streetscape.

(b) Signs should convey their messages clearly and simply.

(c) Signs in a particular area or district should act as a unifying element and exhibit visual continuity.

(d) Signs should be as close to the ground as practicable, consistent with legibility considerations.

(e) A sign's design should be compatible with the architectural character of the building to which it relates, and if placed on the building should not cover any distinctive architectural features of the building.

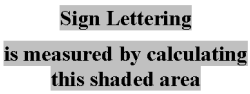
(f) To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

(2) General design criteria. The following criteria shall apply to all signs in all districts:

(a) All signs, with the exception of window signs, shall be constructed of wood, metal, or other durable man-made materials that closely resemble wood or metal, as approved by the Planning Board.

(b) Coverage of sign area. The lettering on any sign may not exceed 60% of the sign area of any one side of the sign, with the exception of signs with no background. The area for lettering shall be computed in accordance

with the following illustration:



(c) To ensure legibility, a primary sign shall contain no more than seven words. Any symbol, logo, phone number, website, or street number is counted as a word.

(d) The color contrast on all signs is recommended to consist of light lettering on a dark background. Each sign should contain no more than three colors; black and white are each considered a color. Fluorescent colors are prohibited. Artwork that is an integral part of a business logo is exempted from this color restriction.

(e) Illumination of signs.

[1] Signs shall not be internally illuminated.

[2] Signs that are externally illuminated should be downlit to reduce glare and light pollution.

[3] Signs that are backlit:

[a] Shall use a color of light that reduces glare and light pollution.

[b] Shall maintain a low level of light intensity to reduce glare and light pollution.

[c] Shall only use nonreflective materials for the background portion of the sign that the backlighting shines on, to reduce glare and light pollution.

[4] All bare light sources and immediately adjacent reflective surfaces, including solar panels, shall be shielded from normal view.

[5] No illuminated sign or lighting device shall be so placed as to cause glare or reflection that may constitute a traffic hazard or other nuisance.

(3) Specific design criteria by sign type.

(a) Awning signs. Awning graphics may be painted or affixed flat to the surface of the front and/or side panels of the valance, but not on the slope.

(b) Freestanding/Monument signs.

[1] Freestanding signs shall not be placed so as to impair visibility for motorists.

[2] Monument signs shall include a decorative rock or stone base. The Planning Board shall require that landscaping be used in and/or around the base of a monument sign in addition to the decorative rock or stone base. Required landscaping may include low seasonal or perennial plantings.

(c) Projecting signs. Projecting signs shall not extend above the height of the roofline, shall have no more than two faces, and shall be securely anchored and shall not swing or move in any manner.

(d) Wall signs.

[1] No part of any wall sign shall extend more than nine inches from the face of the wall to which it is attached, and wall signs shall not extend beyond or above the building in any direction.

[2] Where possible, the placement of all wall signs should be above the display window and below the cornice in a single-story building, or between the shop window and the second story windowsill in a multistory building.

[3] Wall signs shall be securely attached to or mounted on the building wall.

(e) Window signs. Permanent window signs must be painted on or attached directly and permanently to the window.

(f) A-frame signs.

[1] The sign background shall be black (e.g., chalkboard, black dry-erase).

[2] Lettering shall be a contrasting white or light color.

K. Removal of signs.

(1) Obsolete signs. Any sign which advertises a business or product or service no longer available for purchase on the premises shall be deemed obsolete and must be removed within 30 days after cessation of the business or sale of the products and services from the premises. A billboard that is abandoned and discontinued as per Subsection L shall be considered an obsolete sign. Any obsolete sign shall be removed in accordance with this Subsection K.

(2) Existing signs. Primary signs in existence prior to the adoption of this Local Law No. 8 of 2009 may remain, provided that they are not obsolete and that they were legal prior to the adoption of Local Law No. 8 of 2009, and that they are properly maintained. However, any change to the sign copy, sign structure, or to the business use, such as a new type of business or new business name, requires conformance with this code.

(3) The Zoning Administrator or any duly appointed Deputy Zoning

Administrator shall give written notice by uncertified mail and certified mail (return receipt requested) simultaneously, to the last owner of record of the real property on which the sign is located and the permit holder, if any, at the permit holder's last known address of record, specifying that the sign has been erected in violation of this chapter, and that the sign must be removed within five days of receipt of notice. If the sign is not removed within the allotted five days, or within 30 days of the date of mailing, whichever is shorter, the Zoning Administrator is hereby authorized to remove or cause removal of such sign.

(4) Safety hazard. If the Zoning Administrator or any duly appointed Deputy Zoning Administrator deems any sign a source of immediate peril to persons or property, said Zoning Administrator can remove or cause the removal of such sign summarily and without prior notice. The Zoning Administrator shall provide written notice that the sign was removed because it was source of immediate peril to persons or property. Such notice shall be provided by certified mail, return receipt requested, to the last owner of record of the real property on which the sign is located and the permit holder, if any, at the permit holder's last known address of record.

(5) Recovery of cost of removal. At the sole discretion of the Town, the reasonable and necessary costs incurred for removal of any sign by the Town pursuant to this Subsection K shall be charged against the real property from which the sign was removed by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Clerk, to be applied to reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, to the last known address of record, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

(6) Penalties for offenses. Upon written notification of a violation or similar repeated violations, a fine as set by the Town Board shall be incurred. Each week that such violation is not remedied, or is repeated, shall constitute a separate violation.

L. Nonconforming billboards.

(1) Billboards predating this chapter shall be permitted to continue as a nonconforming use unless said use ceases for a continuous period of one year for any reason, in which event said nonconforming billboard shall be deemed to have been abandoned and discontinued and such use may not thereafter be reinstated. The property owner shall then be responsible for the removal of the abandoned and discontinued billboard as per Subsection K(1).

(2) For the purposes of this chapter, a billboard use is considered to have ceased if it meets the criteria for "blank signs" in 17 NYCRR 150.1 of New York State

law. A blank sign is an outdoor advertising sign void of advertising or informative content. An 'available for lease' or similar message that concerns the availability of the sign itself shall not constitute advertising matter. A sign whose message has been partially obliterated by the owner so as not to identify a particular product, service or facility, or a sign which advertises an event which is outdated by more than 30 days, shall be treated as a blank sign. An outdoor advertising sign containing a public service message may be recognized as advertising matter, provided the following criteria are met:

(a) A bona fide public service is referred to;

(b) The entire sign face is covered with the message; and

(c) The sign is professionally prepared or established.

M. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, and clean condition. Any sign that has been determined by the Zoning Administrator to be in noncompliance with this Subsection M must be repaired within 30 days of receipt of the notice of violation. For any sign determined to remain in noncompliance with this Subsection M beyond 30 days after receipt of the notice of violation, the Zoning Administrator may cause the removal of the sign as per Subsection K.

N. Relief. An applicant may seek relief from the requirement that any permanent sign located in a nonresidential district must be placed on the establishment's principal facade. As per Subsection I(1)(d), the Planning Board may consider approval of an additional sign of one of the types listed in Subsection I(1)(a) and which is visible to a public street. Such relief shall be considered by the Planning Board only where the applicant provides sufficient documentation of the reasons for requesting relief. Where such relief is granted, the primary sign must comply with the standards listed in Subsection I(1)(a). In addition, the sign located on the principal facade shall not be larger than 50% of the maximum square footage as allowed for in Subsection I(1)(a).

O. Substitution clause. Any sign authorized pursuant to this chapter may contain a noncommercial message in lieu of other copy.

P. Severability, conflicts with other provisions.

(1) The provisions of this section are severable. The invalidity of any word, subsection, clause, phrase, paragraph, sentence, part or provision of this section shall not affect the validity of any other part of this section which can be given effect without such invalid part or parts.

(2) If any portion of this section is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Town of Pleasant Valley, the provision which establishes the more restrictive standard shall prevail.

§ 98-47. Site design and architectural standards for nonresidential development.

Nonresidential development in the Hamlet Districts (H-PV, H-SP, H-WH), the Mixed Use Commercial District (MC), and areas of the Office/Industrial District (OI) that are immediately adjacent to a Hamlet District or the Mixed Use Commercial District, is subject to the following site design and architectural standards, as shall be required by the Planning Board.

A. Purpose. The purpose of these standards is to support and enhance a healthy and vibrant pedestrian-oriented environment that respects the historic fabric of Pleasant Valley, and to provide convenient shops, services, jobs and economic opportunities near population centers.

B. Design principles.

(1) Promote pedestrian activity by providing a safe and walkable environment.

(2) Support the prominent positioning of civic buildings, particularly in the Hamlet of Pleasant Valley, in order to strengthen community identity and enhance public interaction.

(3) Minimize the visual impact of vehicles by managing the placement and screening/landscaping of parking areas.

(4) Promote access management strategies to reduce traffic congestion while supporting walkability.

(5) Create an interconnected street system, including rear lot connections and secondary streets.

(6) Bring new/infill buildings up toward the sidewalk and street edge to strengthen Pleasant Valley's historic patterns of development.

(7) Promote a mix of commercial and residential uses in multistory buildings.

(8) Encourage the enhancement of on-street parking and development of shared parking areas.

(9) Protect and highlight important natural and historic features, in particular the Wappinger Creek and any remaining historic buildings that contribute to the identity of Pleasant Valley.

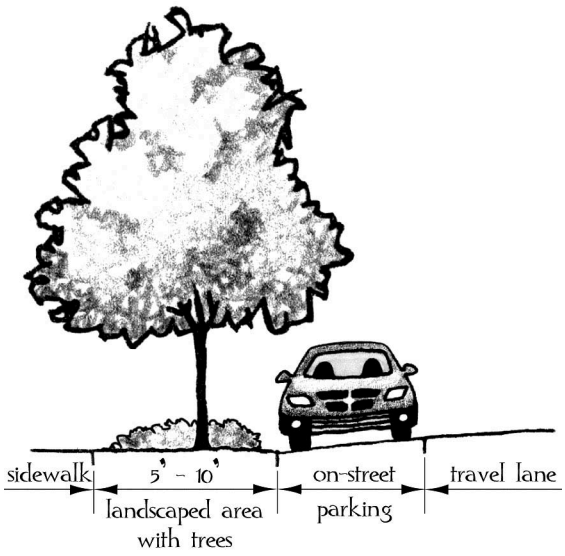
C. General. A mix of uses including ground-floor retail, upper-floor residential, services, businesses, civic, and offices shall be focused in the Hamlet Districts.

D. Sidewalks. Sidewalks are required throughout the districts, and shall be designed as follows: **[Amended 10-12-2011 by L.L. No. 5-2011]**

(1) Sidewalks shall be a minimum of five feet wide but preferably eight feet to 12 feet wide when adjacent to commercial uses.

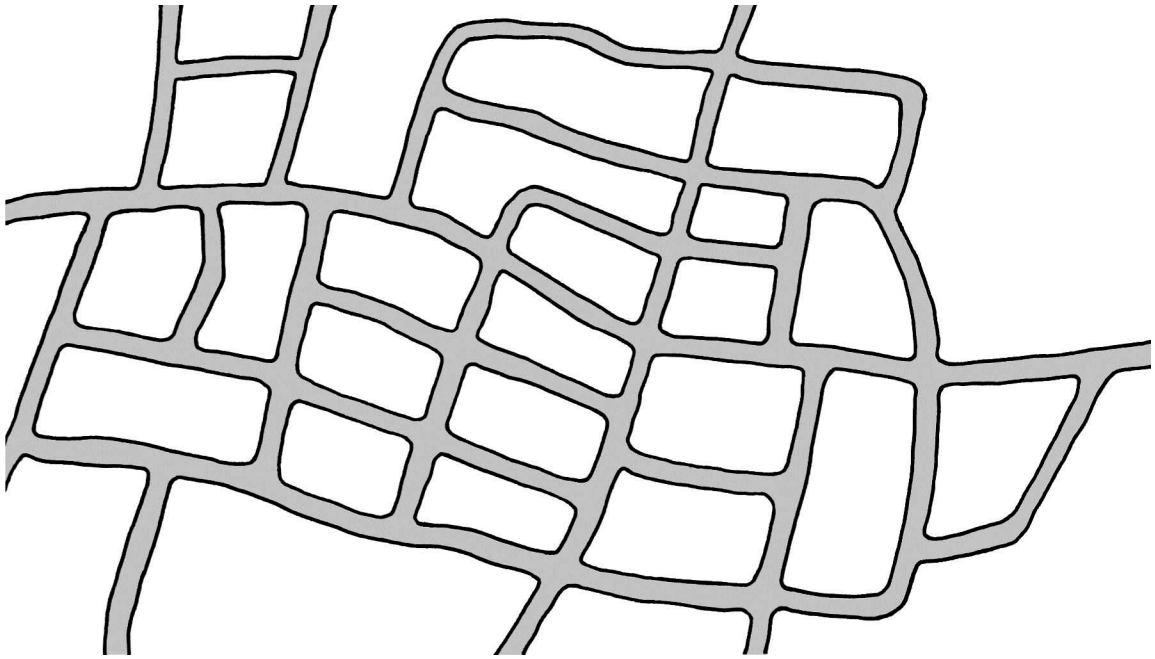
(2) Sidewalks shall be buffered from vehicular travel lanes by on-street parking

and a minimum of five feet of landscaping that includes street trees between the curb and the sidewalk, whenever possible.



E. Streets and circulation.

(1) Any new streets shall be connected and organized in an interconnected street pattern to the greatest extent possible;

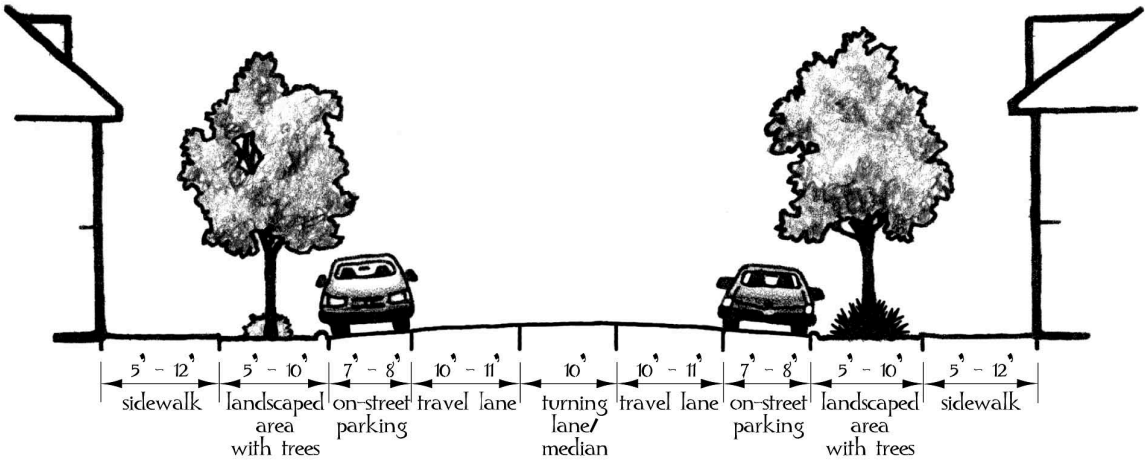


(2) The street system shall, upon a determination of need by the Planning Board, be augmented with rear-lot connections laid out as narrower, hamlet-scale streets and rear lanes. This allows for a more even disbursement of both

vehicular and pedestrian traffic, and creates opportunities for shared interior parking lots;

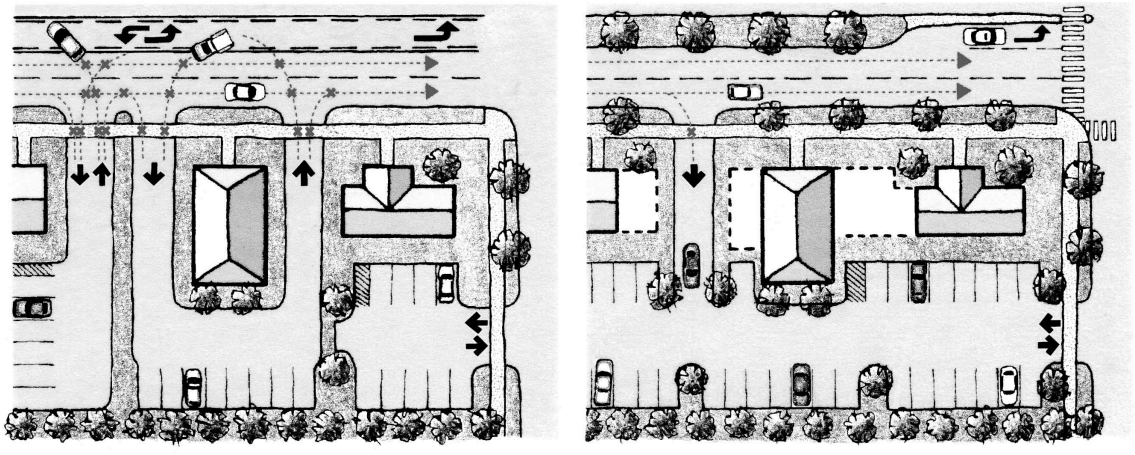
(3) Cul-de-sacs are appropriate only in response to challenging topography, and are otherwise prohibited.

(4) Streets shall be narrow enough to act as a traffic-calming device and promote pedestrian activity, while also allowing for the accommodation of emergency vehicles.



F. Access and curb cuts. The number of curb cuts throughout the districts shall be kept to a minimum.

(1) To help minimize the number of curb cuts, all opportunities for shared access and rear-lot connections shall be pursued, both with new projects as well as redevelopment of existing sites.



(2) The removal of excessive or unnecessary existing curb cuts is strongly encouraged in order to reduce the number of vehicular/pedestrian conflict

points and to enhance the walkability of the districts.

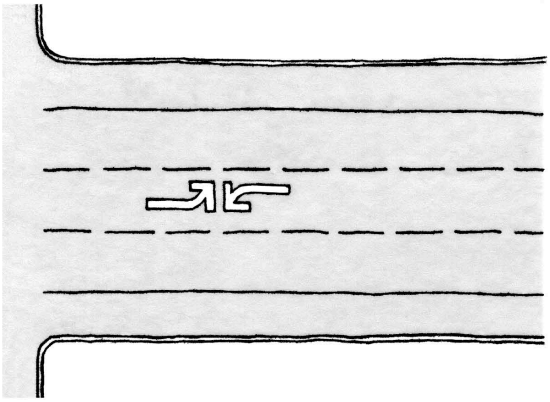
(3) No curb cut should be placed within 50 feet of an intersection.

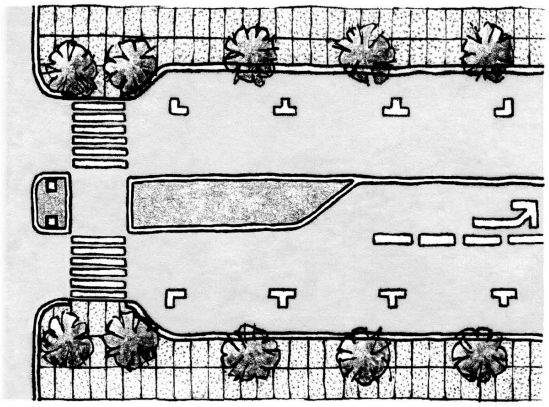
G. Parking and loading.

(1) On-street parallel parking is encouraged.

(2) On-street parallel parking shall begin no less than 25 feet from any intersection.

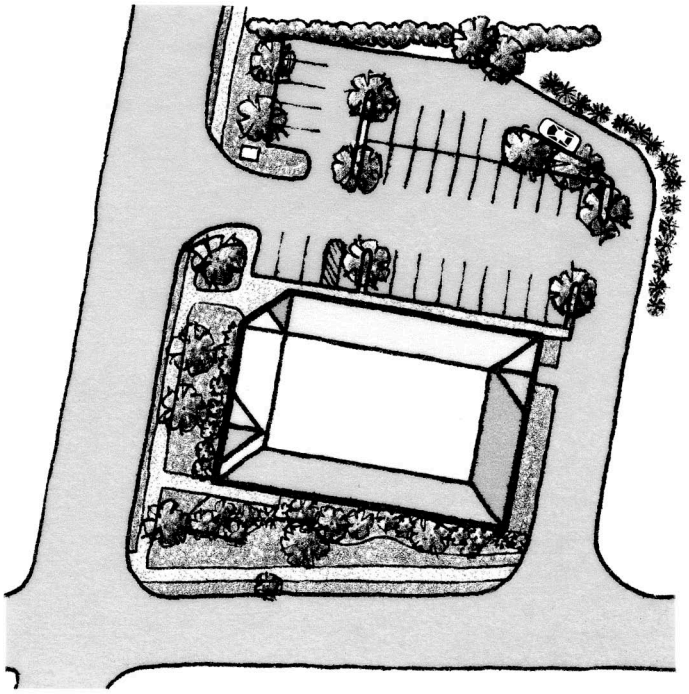
(3) On-street parallel parking should be designed to include curb extensions at intersections to shelter the on-street parking and shorten crosswalk distances.





(4) Front yard parking is prohibited in the districts. Parking shall be accommodated as follows: **[Amended 10-12-2011 by L.L. No. 5-2011]**

(a) Parking lots shall be located to the rear of buildings whenever possible, or to the side, but at no point shall they be located in front of the building line.



(b) Shared parking strategies shall be pursued by the Planning Board wherever possible.

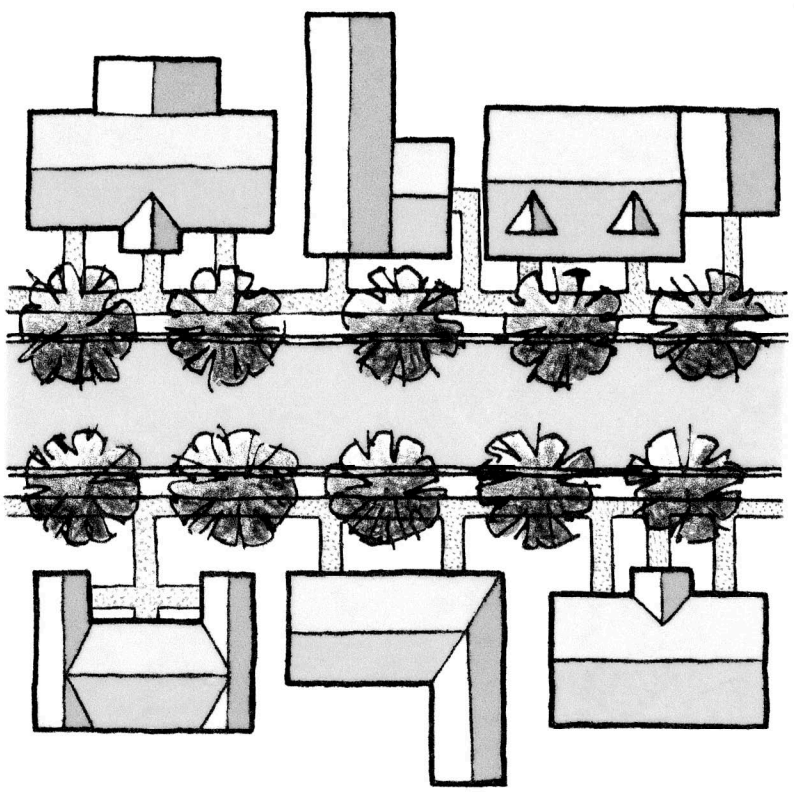
(c) The minimum number of parking spaces for a project is determined by the Planning Board and should take into account reductions possible via available shared parking and on-street parking.

(d) Parking lots shall be connected by rear lanes whenever possible.

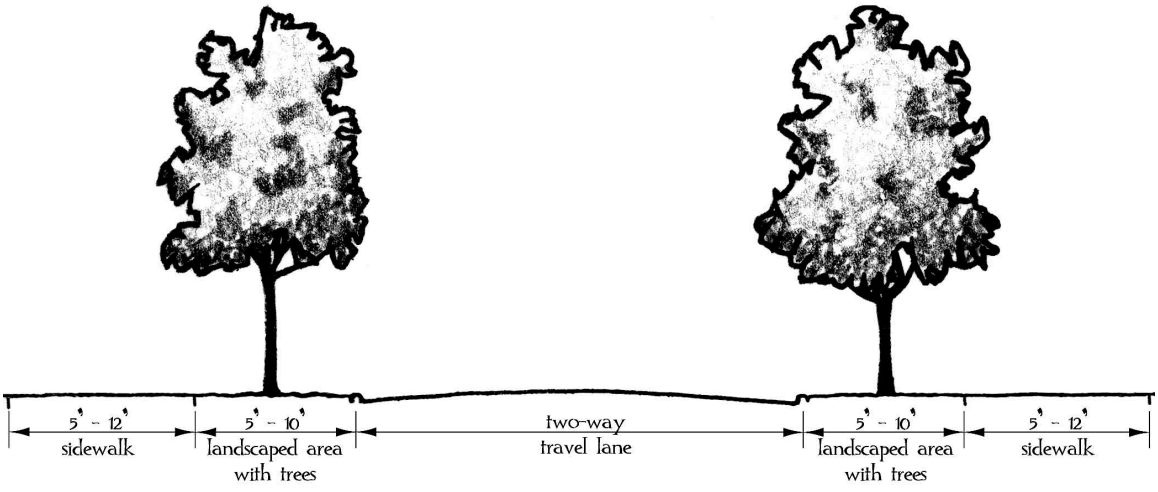
(e) Corner parking lots are prohibited, but where they already exist, trees, landscaping, stone walls, fences, sidewalks and structures shall be used to define the street corner and screen views of the parking, and where feasible, structures should be inserted between the roadway and parking lot to enhance the historic hamlet fabric.

H. Landscaping.

(1) Street trees shall be planted along all roadways at regularly spaced twenty-foot to thirty-foot intervals;



(2) Street trees shall be placed in the lawn area between the sidewalk and road, or within the first 10 feet from the road if there are no sidewalks.



(3) Existing healthy trees should be preserved.

(4) New trees shall have a minimum caliper of 3 1/2 inches.

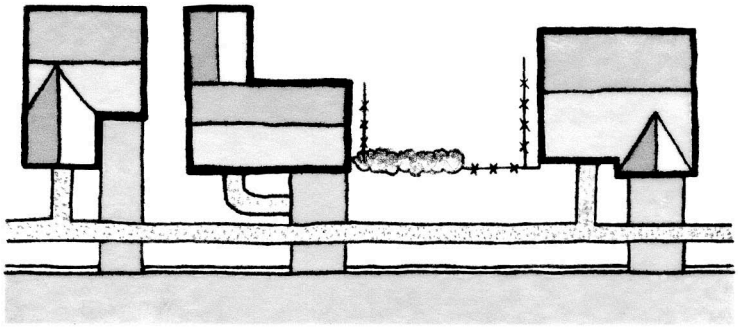
(5) Street trees should be native species or native hybrids with a broad canopy, and should be tolerant of urban conditions, especially salt deposits, snow

removal, and compacted soils.

(6) Screening or street landscaping is encouraged along front property lines in areas where buildings are separated by vacant lots, parking lots, or preexisting large front setbacks. Appropriate materials include:

(a) Fences or low walls with a maximum height of four feet.

(b) Landscaped screens with plant materials set back just far enough from the sidewalk to avoid encroachment when plants are fully grown.



I. Lighting. The Planning Board should take all measures to reduce light pollution.

(1) Streetlights and other lighting shall be 10 feet to 15 feet in height.

(2) Lighting should be metal halide or other full-spectrum fixtures.

(3) Lighting ranges should be as follows:

(a) One-tenth to one footcandle in public areas other than parking lots.

(b) Approximately one footcandle in parking lots.

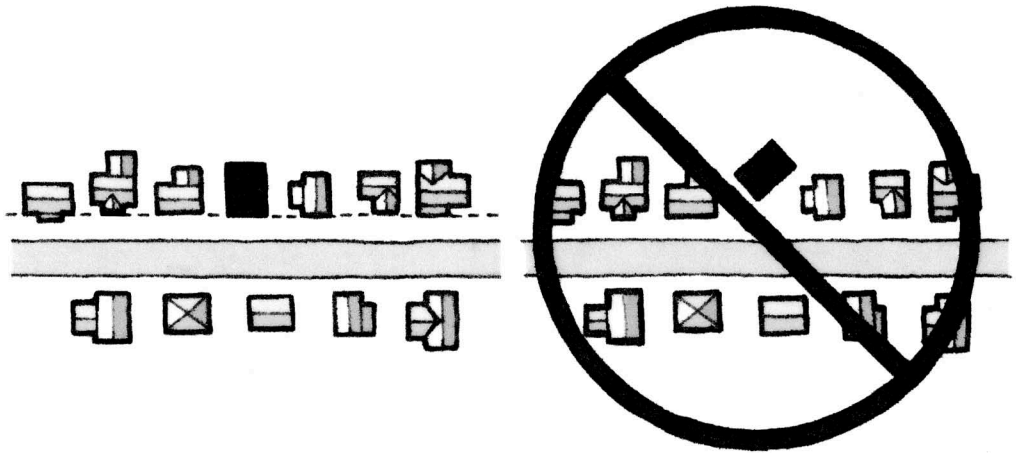
(c) Two footcandles to five footcandles are only allowed in high security areas.

(4) All lighting should be focused downward, with no light projecting above the horizontal plane into the night sky, except for architectural and landscape accent lighting that will not cause excess light pollution or a safety hazard.

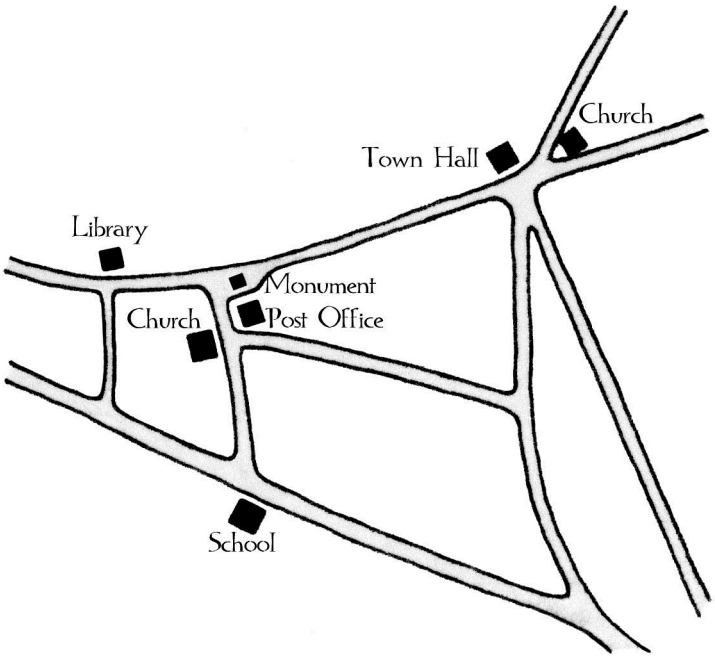
J. Buildings and structures.

(1) Buildings in the districts shall be located at the front of the lot along the street and within zero to 20 feet of the sidewalk. **[Amended 10-12-2011 by L.L. No. 5-2011]**

(2) Building alignment shall be parallel or perpendicular to the street unless the Planning Board determines an alternate alignment is necessary.

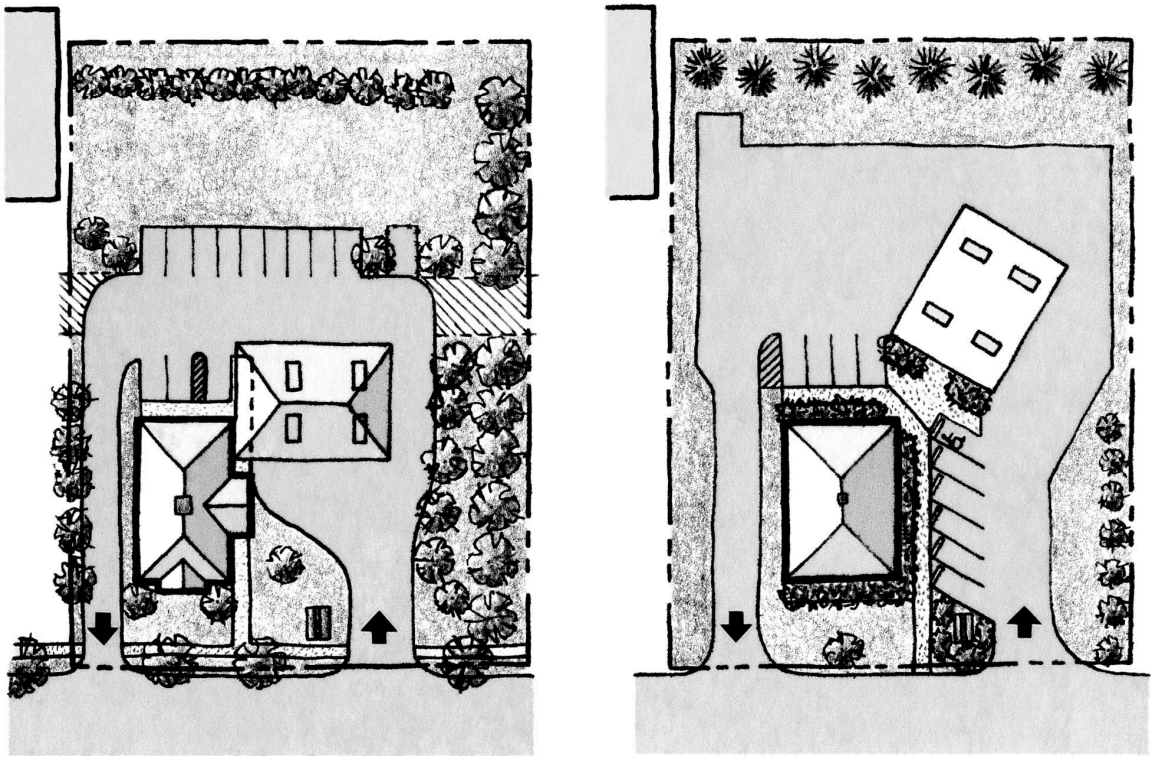


(3) Public buildings, wherever possible, shall be located on prominent sites at street intersections or at the terminus of a street.



(4) Where allowed as per the Schedule of Permitted Uses,[8] § 98-11, drive-through windows and gas station pumps/canopies shall be placed to the rear or side of the building, with the queuing lane located to the rear of the building.

8. **Editor's Note: The Schedule of Permitted Uses is included at the end of this chapter.**



K. Architecture for nonresidential construction. These architectural standards are provided to assist in the preservation and enhancement of Pleasant Valley's architectural history of the late 19th and early 20th centuries. Traditional architectural styles found in Pleasant Valley include, but are not limited to, Colonial, Victorian, Craftsman, American Foursquare, Federal and Greek Revival. These standards shall serve as a resource for the Town's municipal review boards, as well as for developers of projects in Pleasant Valley. Architectural variation is encouraged with consideration of the surrounding historic context, but the Town has set these basic standards to promote an aesthetic continuity that builds off of Pleasant Valley's history. Useful information on basic form can be found in the Building Form Guidelines booklet published by the Dutchess County Department of Planning and Development and available through the Town of Pleasant Valley.

(1) Green building and energy-efficient design.

(a) Whenever possible, design an energy-efficient building using high levels of insulation, high-performance windows, and tight construction.

(b) Passive solar design is encouraged through the use of window ventilation, shade structures, southern light exposure, and landscape buffers where appropriate.

(c) Where solar panels are used, locate them parallel to the roof slope (if roof slope is between 30° and 43°) and integrated into the roof design. Screen and enclose support equipment.

(d) Use permeable surfaces and drainage design to capture rainfall and prevent stormwater runoff.

(e) Use water-efficient, low-maintenance landscaping.

(f) Pleasant Valley encourages LEED certification (Leadership in Energy and Environmental Design) and ENERGY STAR compliance (international standard for energy-efficient consumer products).

(2) Foundations.

(a) Maximum foundation reveal shall be 30 inches to finished floor.

(b) All exposed concrete block or poured concrete foundations and site retaining walls should be covered with one of the following approved materials, or a similar material as approved by the Planning Board:

[1] Full-sized brick (no faux brick).

[2] Wood clapboard, cedar shingles, or fiber cement siding (e.g., HardiePlank®).

[3] Natural stone or brick facing.

[4] Genuine stucco or integrally colored stucco may be used in conjunction with corners and sills of stone, brick, or period wood designs.

(3) Building materials and siding.

(a) Primary building materials shall be approved brick, stone, stucco, cedar shakes, wood clapboard, or fiber cement siding. Metal siding is permitted only when it represents board-and-batten construction.

(b) Neon or alarming colors are prohibited.

(c) Vinyl and aluminum siding are prohibited.

(4) Roofs.

(a) Roofs and roof pitches shall be in proportion to the overall size and shape of the building.

(b) On pitched roofs, only natural and synthetic slate, asphalt shingles and cedar shakes, tiles, standing-seamed tin, zinc or copper, and textures that complement the architectural theme and colors are permitted.

(c) A flat roof shall only be approved on commercial buildings. This type of traditional construction with parapets and raised cornices was typical of the architecturally significant buildings built in town centers in the late 19th and early 20th centuries. No other detached buildings shall be permitted with flat roof designs.

(d) With the exception of copper, all sheet metal and PVC work such as roof caps, flashing, plumbing vents and chimney caps or any other roof protrusion should be painted flat black or painted to match roof colors. Roof stacks and plumbing vents must be placed on the rear slopes of roofs if at all possible.

(e) Soffits shall extend 12 inches or more from the face of the building and must be constructed of wood or concrete board or an alternative state-of-the-art, architecturally appropriate material as approved by the Planning Board.

(5) Windows.

(a) Wood windows are encouraged; however, vinyl or aluminum-clad wood windows will be considered, provided the style and profile are similar to wood windows.

(b) Window grids are recommended for all elevations visible to the public.

(c) No glass may be mirrored or coated with a reflective coating of any type. Smoked or reflective glass is not permitted.

(d) Skylights should not be visible from the road.

(6) Details. Consistency of detailing on all elevations shall be maintained. Windows and doors shall reflect restraint in the variety of types, styles and sizes.

§ 98-48. Steep slope protections.

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. Accordingly, the following requirements are hereby imposed in areas with slopes exceeding 15%.

A. For any subdivision, special permit, site plan, building permit, zoning permit, or variance that involves the disturbance of slopes greater than 15%, conditions shall be attached to ensure that:

(1) Adequate erosion control and drainage measures will be in place so that erosion and sedimentation do not occur during or after construction.

(2) Cutting of trees, shrubs, and other natural vegetation will be minimized, except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.

(3) Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding, or avalanches.

(4) Proper engineering review of plans and construction activities will be conducted by the Town to ensure compliance with this section, paid for by

escrow deposits paid by the applicant.

(5) No certificate of occupancy will be granted until all erosion control and drainage measures required pursuant to this section have been satisfactorily completed.

B. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as a reviewing board or official shall reasonably require or the applicant shall offer. In cases of uncertainty or dispute, a qualified professional retained by the Town, at the applicant's expense, shall determine the location of regulated slopes.

C. For purposes of determining the location of steep slope areas, only contiguous slopes containing at least 2,000 square feet of steep slopes, as defined above, shall be considered.

§ 98-48.1. Stormwater control. [Added 8-11-2010 by L.L. No. 2-2010]

A. Definitions. The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY — The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures not associated with agricultural activities.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING — Any activity that removes the vegetative surface cover.

DEDICATION — The deliberate appropriation of property by its owner for general public use.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN MANUAL — The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

EROSION CONTROL MANUAL — The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING — Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops,

pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT — A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT — Land development activity.

RECHARGE — The replenishment of underground water reserves.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

— A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER — An order issued that requires that all construction activity on a site be stopped.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK —

(1) Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams. creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with

natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(2) Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

B. Stormwater pollution prevention plans.

(1) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

(2) Contents of stormwater pollution prevention plans.

(a) Requirements. All SWPPs shall provide the following background information and erosion and sediment controls:

[1] Background information about the scope of the project, including location, type and size of project.

[2] Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

[3] Description of the soil(s) present at the site;

[4] Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

[5] Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from

becoming a pollutant source in stormwater runoff;

[6] Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

[7] Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

[8] A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

[9] Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

[10] Temporary practices that will be converted to permanent control measures;

[11] Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

[12] Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

[13] Name(s) of the receiving water(s);

[14] Delineation of SWPPP implementation responsibilities for each part of the site;

[15] Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

[16] Any existing data that describes the stormwater runoff at the site.

(b) Land development activities requiring water quantity and quality controls. Land development activities as defined in this chapter and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(2)(c) ("SWPP requirements for Conditions A, B, and C") below as applicable:

[1] Condition A. Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water

identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

[2] Condition B. Stormwater runoff from land development activities disturbing five or more acres.

[3] Condition C. Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(c) SWPPP requirements for Condition A, B and C.

[1] All information in Subsection B(2)(a) of this section ("Requirements") of this chapter.

[2] Description of each postconstruction stormwater management practice.

[3] Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice.

[4] Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.

[5] Comparison of post-development stormwater runoff conditions with predevelopment conditions.

[6] Dimensions, material specifications and installation details for each postconstruction stormwater management practice.

[7] Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.

[8] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

[9] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Subsection D of this section.

[10] For Conditions A, B, or C, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet

the requirements in this chapter.

(3) Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

(4) Contractor certification.

(a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(b) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(c) The certification statement(s) shall become part of the SWPPP for the land development activity.

(d) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

C. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:

(1) Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as "the Design Manual").

(b) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as "the Erosion Control Manual").

(2) Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must

demonstrate equivalence to the technical standards set forth in Subsection C(1) and the SWPPP shall be prepared by a licensed professional.

(3) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

D. Maintenance, inspection and repair of stormwater facilities.

(1) Maintenance and inspection during construction.

(a) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(b) For land development activities as defined in Subsection A and meeting Condition A, B or C in Subsection B(2)(b), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.

(2) Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Pleasant Valley to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Pleasant Valley.

(3) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(b) Written procedures for operation and maintenance and training new

maintenance personnel.

(c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Subsection C(3).

(4) Maintenance agreements. The Town of Pleasant Valley Town Board shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of this chapter. The Town of Pleasant Valley, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

E. Administration and enforcement.

(1) Construction inspection.

(a) Erosion and sediment control inspection.

[1] The Town of Pleasant Valley's Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Pleasant Valley enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

[a] Start of construction.

[b] Installation of sediment and erosion control measures.

[c] Completion of site clearing.

[d] Completion of rough grading.

[e] Completion of final grading.

[f] Close of the construction season.

[g] Completion of final landscaping.

[h] Successful establishment of landscaping in public areas.

[2] If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required

corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

(b) Stormwater management practice inspections. The Town of Pleasant Valley Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

(c) Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(d) Submission of reports. The Town of Pleasant Valley Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

(e) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Pleasant Valley the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection E(1)(c) ("Inspection of stormwater facilities after project completion").

(2) Performance guarantee.

(a) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Pleasant Valley in its approval of the stormwater pollution prevention plan, the Town of Pleasant Valley

may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Pleasant Valley as the beneficiary. The security shall be in an amount to be determined by the Town of Pleasant Valley based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Pleasant Valley, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities or have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Pleasant Valley. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

(b) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Pleasant Valley with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Pleasant Valley may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

(c) Recordkeeping. The SMO of Pleasant Valley may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

(3) Enforcement and penalties.

(a) Notice of violation. When the Town of Pleasant Valley determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

[1] The name and address of the landowner, developer or applicant;

[2] The address when available or a description of the building, structure or land upon which the violation is occurring;

[3] A statement specifying the nature of the violation;

[4] A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

[5] A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

[6] A statement that the determination of violation may be appealed to the Zoning Board of Appeals by filing a written notice of appeal within 30 days of service of notice of violation.

(b) Stop-work orders. The Town of Pleasant Valley may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Pleasant Valley confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

(c) Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

(d) Penalties for offenses. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation 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 $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter 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 snail constitute a separate additional violation. The notice of violation nay be appealed to the Town of Pleasant Valley Zoning Board of Appeals by filing a written notice of appeal within 30 days of service of the notice of violation.

(e) Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter the Stormwater Management Officer may prevent the occupancy of said

building or land.

(f) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Pleasant Valley may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(g) Indemnification of the Town. If the New York State Department of Environmental Conservation (DEC) or the United States Environmental Protection Agency (EPA) shall serve a notice of violation upon the Town, bring an administrative complaint against the Town and/or commence a civil suit against the Town due to a violation of SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems GP-02-02 or any third party brings a civil suit against the Town for any such violation, and such notice of violation, administrative complaint, or civil suit as a result of, and due to, a consequence of or the outcome of the actions of a person who has violated the provisions of this chapter, then said person shall defend and indemnify the Town for any and all fines, damages or penalties imposed by the DEC, the EPA or any court of competent jurisdiction. **[Added 4-13-2011 by L.L. No. 1-2011]**

§ 98-49. Telecommunications facilities.

A. Purpose and legislative intent. The legislative intent of this telecommunications regulation is to ensure that residents and businesses in Pleasant Valley have reliable access to wireless telecommunications networks while also ensuring that the scenic, historic, and environmental resources, including the intrinsic aesthetic character of the community, are preserved. These regulations are written in compliance with the Telecommunications Act of 1966 and therefore may not be used to prohibit the provision of personal wireless services, to unreasonably discriminate among providers of functionally equivalent services or to regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services comply with the Federal Communication Commission's regulations concerning such emissions. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, and is consistent with the land use policies of the Town of Pleasant Valley, the following purposes shall govern the approval of any telecommunications facility in the Town of Pleasant Valley:

(1) The use of existing monopoles, towers, utility poles and other structures, referred to herein as a "facility" or "facilities," for the co-location of telecommunications facilities shall be required unless the applicant provides sufficient documentation that such co-location is not feasible. The Planning Board may hire an independent technical expert in the field of telecommunications to verify that the required co-location is not feasible and to evaluate the need for the proposed facility. The cost of the independent

technical expert will be at the expense of the applicant.

(2) If technology allows for a less intrusive method of providing service, other than a monopole or tower, the Planning Board may waive the requirement for co-location.

(3) The preferred location of new facilities shall be in nonresidential areas.

(4) The number of new facilities should be minimized by using existing structures whenever possible.

(5) The location of facilities shall be, to the extent possible, in areas where the adverse impact on the community will be minimal.

(6) The potential adverse effects associated with the construction of facilities shall be minimized through the implementation of reasonable design, landscaping and construction practices.

(7) The total number and height of facilities throughout the community shall be kept to a minimum. The applicant shall submit the required documentation of need for the facility for service to the Town of Pleasant Valley as set forth in Subsection B below.

B. Justification of need. The applicant shall provide written documentation of any facility sites in the Town or any adjacent town, which are or may be utilized by an applicant, whether pursuant to a legal interest or otherwise. For each such facility site the applicant shall provide:

(1) Written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site to provide, adequate coverage to the Town.

(2) A map of the Town which illustrates the areas which presently have, and those which do not have, adequate coverage.

(3) A report of the supporting engineering data suitable for review by an independent consultant which includes the following documentation for each facility site listed:

(a) The exact location, ground elevation and height of the structures.

(b) The types of antennas, manufacturer and model, antenna gain, antenna down-tilt, height of the antennas on the structure.

(c) The number of channels, maximum effective radiated power per channel, actual radiated power per channel and actual total radiated power.

(d) Radial plots from each of these facility sites.

C. Definitions. As used in this section, the following terms shall be defined as follows:

ACCESSORY EQUIPMENT — Any equipment serving or being used in

conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

ANTENNA — Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

CARRIER ON WHEELS or CELL ON WHEELS (COW) — A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

CO-LOCATION — The act of siting telecommunication facilities in the same location on the same support structure as other telecommunication facilities. "Co-location" also means locating telecommunication facilities on an existing structure (for example, buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

MAINTENANCE, ORDINARY — Ensuring that telecommunication facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and aesthetic and structural integrity; for example, the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities at a height equal to or lower than the approved height levels of an existing facility upon which they are currently located. Ordinary maintenance does not include minor and major modifications.

MAJOR MODIFICATIONS — Improvements to existing telecommunications facilities and support structures that result in a substantial change to the facility or structure. Co-location of new telecommunications facilities to an existing support structure without replacement of the structure shall not constitute a major modification. Major modifications include, but are not limited to, extending the height of the support structure by more than 20 feet or 10% of its original approved height, whichever is greater, and the replacement of the structure.

MINOR MODIFICATIONS — Improvements to existing telecommunications facilities and support structures that result in some material change to the facility or support structure, but of a level quality or intensity that is less than a substantial change. Such minor modifications include, but are not limited to, extending the height of the support structure by less than 20 feet or 10% of its original approved height, whichever is greater, and the expansion of the compound area for additional accessory equipment.

MONOPOLE — A single, freestanding pole-type structure supporting one or more

antennas. For purposes of this regulation, a monopole can also be referred to as a "tower," and either shall be referred to as a "facility" or "facilities" in these regulations.

PLANNING BOARD APPROVAL — Approval that the Planning Board is authorized to grant after review as per Subsection F below.

PLANNING BOARD REVIEW — The procedures established in Subsection E below.

REPLACEMENT — Constructing a new support structure of proportions and of equal or lesser height or lesser height to a preexisting support structure in order to support a telecommunications facility or to accommodate co-location and removing the preexisting support structure.

STEALTH TELECOMMUNICATIONS FACILITY — Any telecommunications facility that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer.

SUPPORT STRUCTURE(S) — A structure designed to support telecommunications facilities, including, but not limited to, monopoles, towers, utility poles and other freestanding self-supporting structures.

TELECOMMUNICATIONS FACILITY(IES) — Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. This definition includes television transmission towers, common-carrier towers, cellular telephone and wireless communication towers and alternative tower structures, including repeaters and stealth structures.

TOWER — A lattice-type freestanding structure that supports one or more antennas. For purposes of this regulation, a tower can also be referred to as a "monopole" and either shall be referred to as a "facility" or "facilities" in these regulations.

ZONING ADMINISTRATOR APPROVAL — Zoning approval that the Zoning Administrator, or designee, is authorized to grant after review as per Subsection D(1) below.

ZONING ADMINISTRATOR REVIEW — The procedures established in Subsection E below.

D. Approvals required.

(1) Zoning Administrator approval. The telecommunications facilities listed in Subsection E below may be approved by the Zoning Administrator upon a determination that the facilities meet the limitations set forth therein and that such facilities will not have a substantial impact or cause a significant change on the premises on which located. Any visual change in the structure or building utilized shall be deemed a significant change requiring site plan

approval by the Planning Board and compliance with SEQRA regulations.

(2) Planning Board approval. Telecommunications facilities and support structures not permitted by Zoning Administrator approval shall be permitted in any district upon the granting of site plan approval from the Planning Board in accordance with the standards set forth in these regulations.

(3) Exempt. Ordinary maintenance of existing telecommunications facilities and support structures, as defined herein, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this regulation:

(a) Antennas used by residential households solely for broadcast radio and television reception.

(b) Satellite antennas used solely for residential or household purposes.

(c) COWs placed for a period of not more than 120 days at any location within the Town after a declaration of an emergency or a disaster by the Governor or by the responsible official of the Town of Pleasant Valley.

(d) Television and AM/FM radio broadcast towers and associated facilities.

E. Telecommunications facilities and support structures permitted by Zoning Administrator approval.

(1) Telecommunications facilities located on existing structures. Antennas and accessory equipment are permitted in all zoning districts when located on any existing structure, including, but not limited to, buildings, water tanks, utility poles, broadcast towers or any existing support structure in accordance with the requirements below:

(a) Antennas and accessory equipment may not exceed the maximum building height limitations by more than 20 feet.

(b) Omnidirectional or whip antennas shall not exceed 20 feet in length and not exceed seven inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and related accessory equipment visually unobtrusive.

(c) Directional or panel antennas shall not exceed 10 feet in length and two feet in width and shall be of a color that is identical or similar to the color of the Supporting Structure to make the antenna and related accessory equipment visually unobtrusive.

(d) Cylinder-type antennas shall not exceed 10 feet in length and not exceed 12 inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and related accessory equipment visually unobtrusive.

(e) Satellite and microwave dishes shall not exceed 10 feet in diameter. Dish

antennas greater than three feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached. This screening requirement shall not apply to dishes located upon facilities.

(f) Other antenna types not specifically mentioned above shall be permitted if they are not significantly greater in size and will have a visual impact no greater than the antennas listed above. This provision is specifically included in the regulation to allow for future technological advancements in the development of antennas.

(g) Accessory equipment must comply with Subsection G(4).

(2) Facilities that support utility lines or public facilities. Facilities or replacement facilities that will support utility lines, or public facilities such as municipal communication facilities, athletic field lights, traffic lights, and other types of utility poles in the public right-of-way, as well as a telecommunications facility, shall be permitted within utility easements or rights-of-way, in accordance with the following requirements:

(a) The utility easement or right-of-way shall be a minimum of 100 feet in width.

(b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.

(c) The height of the facility or replacement facility may not exceed the height of existing utility support structures by more than 20 feet.

(d) Facilities and the accessory equipment associated therewith shall be set back a minimum of 30 feet from all boundaries of the easement or right-of-way.

(e) Due to the height restriction imposed by Subsection E(2)(c) above, single-carrier facilities may be used within utility easements and rights-of-way.

(3) Stealth telecommunications facilities. Stealth telecommunications facilities shall be permitted in all zoning districts on existing structures in accordance with the requirements below:

(a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

(b) The structure utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, parapets, and steeples. Construction of any new structure to be utilized as a stealth telecommunications facility shall be subject to site plan and SEQRA review by the Planning Board pursuant to Subsection F below.

(c) Setbacks for the supporting structure shall be governed by the setback requirements of the underlying zoning district.

(4) General standards, design requirements, and miscellaneous provisions. Unless otherwise specified herein, all telecommunications facilities and support structures permitted by Zoning Administrator approval are subject to the applicable general standards and design requirements of Subsection G and the provisions of Subsection H.

(5) Zoning Administrator review application process. All applications must contain the following:

(a) Application form signed by applicant.

(b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application.

(c) Plans detailing proposed improvements which must depict:

[1] Improvements related to the requirements listed in this section.

[2] Property boundaries.

[3] Setbacks.

[4] Topography.

[5] Elevation sketch.

[6] Dimensions of improvements.

(d) Application fee.

(6) Zoning Administrator review procedure.

(a) Within 10 business days of the receipt of an application for Zoning Administrator review, the Zoning Administrator shall either:

[1] Inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or

[2] Schedule a meeting with the applicant within 30 days of the receipt of a complete application. This meeting is not a public hearing.

(b) An applicant who receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 business days after receipt of written notice shall constitute a withdrawal without prejudice of the application, which may be resubmitted upon filing of a new application fee.

(c) The Zoning Administrator review meeting will be conducted to confirm

that the proposed application is consistent with this regulation. The Zoning Administrator must issue a written decision granting or denying the request within 30 days of the meeting unless an extension of time is agreed to by the applicant. The applicant may appeal such a denial as provided in the regulation or applicable state or federal law.

(d) Should the Zoning Administrator deny the application, the Zoning Administrator shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this regulation.

F. Telecommunications facilities and support structures requiring site plan and SEQRA determination by the Planning Board. Any telecommunications facility or support structures not meeting the requirements of Subsection E above shall require site plan and be subject to the submission requirements of Subsection G below, the standards of Subsection H below, and the following regulations:

(1) Permissible locations.

(a) New support structures less than 40 feet in height shall be permitted in all zoning districts in accordance with the requirements of this regulation. An increase in height shall not be allowed in residential districts.

(b) New support structures up to 150 feet in height shall be permitted in the Office/Industrial (OI) District and the Mixed Use Commercial (MC) District in accordance with the requirements of this regulation. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage objectives of the facility. The setback of the structure shall conform to Subsection G(2). Such setback requirements may be increased by the Planning Board at any time for safety conditions.

(2) Submission requirements.

(a) A statement justifying why co-location is not feasible. Such statement shall include technical information and other justifications as are necessary to document the reasons why co-location is not a viable option.

(b) The applicant must submit a justification of need as set forth in Subsection B above. Failure to provide an adequate justification of need to the Planning Board shall result in a denial of the site plan application.

(c) Certification from a licensed architect or engineer that:

[1] At the time of application for building permits, the plans for the tower indicate antenna capacity by type and number, that it will be constructed to withstand winds, in accordance with the latest revision of ANSI/EIA/TIA 222, and other prevailing forces of nature, that the tower and foundation will safely accommodate future use by other telecommunications providers and that shared

use will not diminish the structural integrity and safety of the tower, and that the tower will be constructed in accordance with the manufacturer's specifications. In addition, a soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222E, as amended, shall be submitted to document and verify the design specifications of the tower's foundation.

[2] Prior to issuance of the certificate of compliance, the tower was actually constructed as certified above.

(d) A complete visual environmental assessment. This may include graphics, the results of balloon tests, zone-of-visibility maps, pictorial representations of "before" and "after" views from key viewpoints and assessment of alternative tower designs and color schemes.

(e) Identification of, and consent from, the owner of the property on which the telecommunications tower and facilities will be located.

(f) A certificate of public convenience and necessity from the Public Service Commission.

(g) A driveway maintenance agreement to be approved by the Town.

(h) A written agreement and performance bond to remove the tower and facilities within 180 days of cessation of use. The agreement and bond must be approved by the Town and must include a provision for the amount of the bond to increase every five years by the amount of the increase in the applicable consumer price index. The Town shall be named as an insured party in the bond.

(i) A copy of the valid FCC license for the proposed activity, indicating acceptable exposure limits for the RF energy coming from base stations, as established by the American National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE).

(j) Certification from the Federal Aviation Administration (FAA), which, together with the FCC, regulates the construction, marking and lighting of wireless antennas near airports or close to flight paths and runways, attesting to the fact that there is no interference with the physical and electronic elements of air traffic.

(k) Electrical inspection certificate before the issuance of a certificate of compliance.

(l) A document granting access to the tower and facilities by the Pleasant Valley Fire Company.

(m) A statement that the applicant will furnish to the Town a copy of all inspection reports as they may be required by any agency having jurisdiction over the telecommunications tower and facilities.

(n) Notification by certified mail of all adjacent property owners of the proposed application.

(o) Application fee.

(3) Erection and construction.

(a) New facilities must be designed to allow for antenna co-location by other wireless communications providers. A written, irrevocable commitment, valid for the duration of the existence of the facility, to rent or lease available space for co-location on the facility, to the extent structurally and electromagnetically able, at fair-market prices and terms, without discrimination to other personal wireless and/or other communications service providers, shall be provided to the Town.

(b) New facilities, including lattice and single-pole structures, shall be of a self-supporting design which shall not require the installation of guy wires. Unless specifically required by federal or New York State regulations, facilities must not be illuminated. The Planning Board shall approve the facility's finish, and such finish shall be compatible with the surrounding environment.

(c) All facility bases shall be set back from any property line at a minimum distance of 1 1/2 times the height of the facility. Accessory structures shall comply with the minimum setback requirements of the zoning district in which the site is located.

(d) A chain-link security fence having a minimum height of eight feet shall completely surround all telecommunications towers and facilities and appropriate native evergreen and deciduous plantings for screening.

(e) Existing vegetation, trees and shrubs shall be preserved to the maximum extent possible.

(f) The maximum height of any facility and facilities shall not exceed the height at which artificial lighting is required, and shall not exceed the height as specified in Subsection F.

(g) No portion of any facility and facilities shall be used for a sign or other advertising purpose.

G. General standards and design requirements.

(1) Design.

(a) Facilities shall be subject to the following:

[1] Facilities shall be designed to accommodate at least three telecommunications providers for a monopole-type facility and at least four for a tower-type facility.

[2] A compound area surrounding the facility must be of sufficient size to accommodate accessory equipment for at least three telecommunications providers for monopole-type facilities and at least four telecommunications providers for tower-type facilities.

[3] Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the Town, facilities shall have a dark gray muted finish unless more appropriate camouflage techniques are feasible.

(b) Stealth telecommunications facilities shall be designed to accommodate the co-location of other antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the Planning Board or Zoning Administrator.

(2) Setbacks.

(a) Property lines.

[1] Unless otherwise stated herein, facilities shall be setback from all property lines a distance equal to 1.5 times their height measured from the base of the structure to its highest point. Other support structures shall be governed by the setbacks required by the underlying zoning district.

[2] Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to a setback requirement.

(b) The Planning Board shall have the authority to reduce or waive any required setback if the telecommunications facility or support structure will be less visible as a result of the diminished setback. The Planning Board must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this regulation. The structure must still meet the underlying setback requirements of the zone.

(3) Aesthetics.

(a) Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration (FAA).

(b) Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

(c) Landscaping. In all districts, the Planning Board shall have the authority to impose reasonable landscaping requirements surrounding the accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner.

(4) Accessory equipment, including any buildings, cabinets or shelters.

(a) Shall be used only to house equipment and other supplies in support of the operation of the telecommunications facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

(b) Any equipment building, shelter or cabinet must not exceed 560 square feet and 12 feet in height, including the support structure for the equipment building. Exceptions to the size restriction for a single equipment building or shelter may exceed 560 square feet, if it:

[1] Is located at ground level; and

[2] Is used by more than one telecommunications provider; and

[3] Does not exceed 1,500 square feet.

(5) Multiple uses on a single parcel or lot. Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site.

H. Preexisting telecommunications facilities and support structures.

(1) Facilities and support structures that were legally permitted on or before the date this regulation was enacted shall be considered a permitted and lawful use.

(2) Nonconforming telecommunications facility.

(a) Ordinary maintenance may be performed on nonconforming antennas and accessory equipment.

(b) Minor modifications to nonconforming telecommunications facilities may be permitted upon the granting of Zoning Administrator approval.

(c) Major modifications to nonconforming telecommunications facilities may be permitted only upon the granting of site plan amendment by the Planning Board.

(3) Nonconforming support structures.

(a) Ordinary maintenance may be performed on a nonconforming support structure.

(b) Co-location of telecommunications facilities on an existing nonconforming support structure is permitted upon the granting of

Zoning Administrator approval.

(c) Minor modifications may be made to nonconforming support structures to allow for co-location of telecommunications facilities. Such minor modifications shall be permitted by Zoning Administrator approval.

(d) Major modifications may be made to nonconforming Support structures only upon the granting of site plan amendment by the Planning Board.

§ 98-50. Temporary uses.

A. Temporary permit for nonconforming uses. A temporary permit may be issued by the Zoning Enforcement Officer, for a period not exceeding one year, for a nonconforming use incidental to housing and construction projects, including such structures and uses as storage of building materials and machinery, the processing of building materials and a real estate office located on the tract being offered for sale, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. This section does not apply to structuring used for residential purposes. Such permits may be renewed yearly, upon application to the Zoning Enforcement Officer, for an additional period of one year.

B. Temporary permit for special events. Such events, which include but are not limited to flea markets, carnivals, and festivals, shall be required to obtain a temporary use permit from the Zoning Enforcement Officer if the event is intended to be open to the public for two days or more in any six-month period.

(1) Structures and parking areas on the premises shall be designed in such a way as to comply with Town building and fire codes.

(2) All structures and equipment used in such an operation shall be portable and removed from the premises immediately following the close of the event.

(3) Immediately following the close of the event, all debris shall be removed from the site, and the site shall be returned to the same condition in which it was found, or better.

(4) If the event is conducted within or over existing parking spaces, the applicant shall provide proof that such spaces are not needed for parking and are available for such use without creating undue parking congestion in the surrounding area.

(5) Temporary outdoor lighting of event areas and parking areas shall be provided if the event remains open after dark. All lights shall be shielded and directed away from adjacent residential uses.

(6) All outdoor sound devices shall be shut off by 11:00 p.m.

§ 98-51. Transfer of development rights; purchase of development rights; density management. [Amended 1-17-2018 by L.L. No. 3-2018]

To accomplish the goals of the Town's Comprehensive Plan, specifically to aid in the preservation of the rural character of the Town, to protect the natural resources, including water and aquifer recharge areas of the Town, to preserve natural habitats and to protect and maintain the scenic resources of the Town, this § 98-51 provides for the use of transfer of development rights (TDR) and purchase of development rights (PDR) within the Town. In addition, as a density management alternative (DMA), the base zoning in the Hamlet Residential Districts may be increased when the conditions set forth below are met. The provisions of this section are applicable only to transactions which require actions by the Town Board to approve a TDR transaction or where the Town is a party to a PDR transaction; private transactions between landowners and conservation organizations or other entities or persons are specifically excluded from application of the provisions of this section.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEVELOPMENT RIGHT — The right to develop a principal dwelling unit and any other accessory buildings or structures in addition thereto on the number of acres specified by the zoning district. In the case of multiple housing units per acre, one development right is allocated per unit. The development rights per parcel shall mean the number equivalent to the base density calculation under the current zoning law of the Town, before any reduction in development rights which might occur pursuant to the SEQRA process or any additional Planning Board considerations.

PURCHASE OF DEVELOPMENT RIGHTS — The severance of certain rights to develop land pursuant to the purchase of those rights from the landowner, which shall include either:

(1) The payment directly to a landowner for the development rights to be purchased with respect to a particular parcel, which purchase of development rights shall extinguish future development rights on that parcel pursuant to a conservation easement in accordance with Subsection B below; or

(2) Upon the establishment of a Town Open Space Fund, a payment into such Town Open Space Fund to purchase development rights from the Town to increase the base zoning in the Hamlet Residential Districts pursuant to the density management alternative.

TRANSFER OF DEVELOPMENT RIGHTS — The process by which development rights are transferred from and extinguished upon one parcel of land, the "sending parcel," which rights may then be transferred to another parcel, the "receiving parcel," to increase the base density of the receiving parcel pursuant to the provisions set forth below.

B. Conservation easement requirements. No transfer of development rights which involves a restriction of a parcel pursuant to either a PDR or a TDR transaction shall be approved by either the Town Board or the Planning Board until a conservation

easement, between the landowner(s) of the parcel to be restricted and a duly qualified land trust organization accredited by the Land Trust Accreditation Commission, with terms in accordance with the transfer or purchase of development rights approved by the Town, has been completed and signed by the parties thereto with the express agreement that such conservation easement shall become effective immediately upon purchase or transfer of development rights as approved by resolution of the Town Board. Such conservation easement shall be held in escrow by the Town Attorney or such other fiduciary as appointed by the Town Board, to be filed with the County Clerk of Dutchess County as soon as practicable upon the effective date of such easement. The Town may require third-party enforcement rights for the Town as part of such conservation easement. Upon approval of the Town Board, such conservation easement may be executed simultaneously with any other required sale or transfer of land which constitutes a necessary action to complete the transaction.

C. Valuation and correlation for purchase of development rights. When necessary for the Town to determine the value of any development rights in the case of a purchase of development rights (PDR transaction) by the Town, such determination shall be made as follows. The Town shall hire an independent certified appraiser who has completed a valuation of conservation easement certificate program and who demonstrates at least five years of experience in valuing development rights and conservation easements in Dutchess County. In the event of any dispute regarding valuation, a second appraiser of the same qualifications shall be used. When the valuation is required pursuant to other than a Town purchase of development rights for preservation purposes, the cost of such appraisal(s) shall be borne by the applicant. The correlation of the value of the development right to payment by the Town in the event of a PDR Transaction shall be on a one-to-one basis; that is, the extinguishment of a development right for each payment of the value of a development right to the owner(s) of the parcel. A sending parcel shall equal the creation of one development right, or the development right for one unit in the case of multiple housing units, on the receiving parcel.

D. Density management alternative. In the 1) Pleasant Valley, Washington Hollow and Salt Point Hamlet Residential Districts, or 2) on parcels adjacent to such residential districts which directly abut the district, or 3) in such residential areas on parcels which abut or are bisected by the Town line and which may border existing residential development in the adjacent town of a density of one acre or less, if a proposed development is, or will be at the time of completion, serviced by central water and/or sewer and if the proposed development meets all Town, county, state and federal regulations, an applicant may increase the base density to no greater than six units per acre. The applicant may increase the density pursuant to either the payment to a fee equal to the value of the increased number of development rights, such fee to be paid as purchase of development rights to the Town to be held in a designated Open Space Fund, or by transfer of the appropriate number of development rights from a sending parcel upon approval by the Town Board together with a designation of conservation purpose for the sending parcel in accordance with § 98-51C above. If the receiving parcel is not in a designated

Hamlet residential zone, development on the receiving parcel shall be clustered toward the increased density of the adjoining town with an appropriate conservation easement buffer, in accordance with § 98-51C above, on the remaining portion of the parcel. For any parcel to be eligible as a receiving parcel pursuant to the requirements of 2) or 3) above, such parcel must meet the requirements set forth in 2) or 3) as of the date of this enactment.

E. Designation of conservation purpose. Numerous tracts of land throughout the Town are appropriate for conservation in order to meet the stated objectives of the Comprehensive Plan. In the case of increased density in the Hamlet of Salt Point, the tracts of land to serve as the sending parcels are identified by the Comprehensive Plan. Similar arrangements may be developed for the Hamlets of Pleasant Valley and Washington Hollow through the Open Space Plan. In other instances, the following guidelines shall apply to parcels to be approved as sending parcels by the Town Board:

(1) Location. As the Town encompasses more than one school district and to avoid an inequality thereto in the reduction of development rights in the respective school districts represented in the Town, the Town Board shall follow a rule of population proportion in allocating resources for purchase of development rights or for the approval of parcels as sending parcels for transfer of development rights in any instance wherein the sending parcel and the receiving parcel are in separate school districts.

(2) Criteria. To qualify as a sending parcel, the Town Board must find that the parcel meets at least one of the following criteria:

(a) The parcel contains important water resources and/or development of the parcel would adversely affect a significant watershed area or aquifer.

(b) The parcel is in active agricultural or forestry use.

(c) The parcel contains soils of prime or statewide importance or includes or buffers other important agricultural land.

(d) The development of the parcel would diminish scenic views to the public and/or affect public views across already protected open space.

(e) The parcel contains important wildlife habitats, known wildlife migration routes, feeding areas or other ecologically sensitive areas.

(f) The parcel shares a common boundary with, or is in close proximity to:

[1] Publicly preserved land; or

[2] Other conservation easement protected property; or

[3] Other significant open space areas.

(g) Protection of the parcel will preserve an historically important area.

(h) Public access to the parcel for outdoor recreation or education will be allowed.

§ 98-52. Veterinary clinics.

A. Veterinary clinic in all permitted districts.

(1) Any outdoor animal activity area shall be completely surrounded by fencing and/or caging to ensure that untethered animals cannot roam off the premises.

(2) Accessory outdoor animal activity areas shall be located no less than 100 feet from any road or property line.

B. Veterinary clinic in the Conservation, Rural Agricultural, and/or Rural Residential District.

(1) A minimum of 10 acres is required.

(2) The veterinary clinic may be for large or small animals exclusively, or a combination of large and small animals.

(3) Parking shall be sufficient to accommodate the use and shall be adequate for the health, safety and welfare of the public.

(4) Paving requirements may be waived by the Planning Board unless such requirements are deemed necessary by the Code Enforcement Officer.

(5) In order to maintain rural character, parking shall be behind the building and not visible to neighboring properties.

(6) Lighting requirements shall be waived by the Planning Board unless such requirements are deemed necessary by the Code Enforcement Officer.

C. Veterinary clinic in the Mixed Use Commercial, Office/Industrial, Hamlet - Pleasant Valley, Hamlet - Salt Point, and/or Hamlet - Washington Hollow Districts.

(1) The veterinary clinic may be for small animals exclusively.

(2) All animal enclosures shall be maintained within a fully enclosed building.

(3) Any outdoor animal activity area shall be completely surrounded by fencing and/or caging to ensure that untethered animals cannot roam off the premises.

§ 98-53. Water protection.

A. Purpose.

(1) The purpose of this regulation is to protect the health and welfare of residents of the Town of Pleasant Valley by minimizing the potential for aquifer contamination and aquifer depletion in the Town, and by taking steps to limit the severity of stream flooding and low flow drought conditions in streams.

(2) The Town of Pleasant Valley lies over aquifers covering the entire Town. The aquifers include two types: the Town-wide regional aquifer (RA), which offers groundwater protection to bedrock or surficial aquifers throughout the Town and requires a general level of aquifer protection, and the regional aquifer wellhead protection (RAWP) areas, which warrant enhanced aquifer protection due to the greater number of households and businesses dependent on continuing well water quality. Both the RA and RAWP aquifers provide drinking water in some areas, and their natural discharge is essential to the maintenance of healthy aquatic and associated terrestrial ecosystems in wetlands, streams and lakes. The Town has determined that a limiting factor on the residential and commercial carrying capacity of Pleasant Valley is its capability to provide groundwater in sufficient quality and quantity. Where subsurface disposal systems (septic systems) are used, another limiting carrying capacity factor is the land's ability to absorb wastewater without adversely affecting the quality of groundwater and surface water.

(3) The purposes of this section are to protect public health and safety by safeguarding the Town's aquifers and surface water bodies, to provide protective standards to limit aquifer contamination, to manage development so that groundwater supplies are not depleted or degraded, and to promote development techniques that will lessen wet season flooding and dry season drought impacts. The Town of Pleasant Valley has streams which can be affected by land uses in ways that increase the severity of both floods and droughts. When infiltration capacity is lost throughout a watershed, the health and welfare of the public are threatened by worsening flood events, and significant infrastructure costs can be incurred. Flows in streams and water levels in ponds can also be reduced by overconsumption of water or by lost recharge due to impervious surfaces, threatening aquatic and related terrestrial ecosystems and reducing residential quality of life and tourism opportunities. Every effort should be made to infiltrate all possible aquifer recharge both to reduce flooding severity and to provide base flow reserves for ponds and streams during droughts.

B. Applicability.

(1) With the exception of the prohibition on underground fuel tanks in § 98-13H and the infiltration minimization loss standard in Subsection D(6), this § 98-53 does not apply to any single-family, two-family, or multifamily residential use of land on a single lot containing three or fewer dwelling units, or to any home occupation unless such residential use or home occupation includes one of the activities listed in Subsection E below. This section does apply to all subdivisions of land.

(2) This § 98-53 shall not apply to farm operations covered by the agricultural zoning exemptions in § 98-17.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACTION — A project or physical activity as defined in the SEQR regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, including all actions subject to SEQR that are covered by this chapter, as well as subdivision applications and other actions requiring local government approval under SEQR.

AQUIFER — A consolidated or unconsolidated geologic formation, group of formations or part of a formation capable of yielding a significant or economically useful amount of groundwater to wells, springs or infiltration galleries.

COMMUNITY WATER SYSTEM — A public water system regulated by the New York State Department of Health that serves at least five service connections used by year-round residents or regularly serves at least 25 year-round residents.

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS — As defined by the Resource Conservation and Recovery Act and amendments thereto, sites generating or storing less than 100 kilograms per month and 1,000 kilograms of listed and/or characteristic wastes, and generating and storing less than one kilogram per month and one kilogram of acutely hazardous waste.

CONSUMPTION OF WATER — The net loss of water from a site or a watershed through local groundwater export to a surface water discharge or through evaporation and transpiration processes caused by human land use activities, including evaporative losses from septic system leaching lines. The definition of "consumption of water" also includes water which must be allocated to dilute subsurface wastewater discharges such that groundwater quality at the downgradient property line of sites is unlikely to exceed 50% of the New York State Department of Environmental Conservation's Title 10, Part 703, groundwater (GA) water standard for nitrate.

DISCHARGE — Any intentional or unintentional action or omission resulting in substances or materials entering the waters of the state either directly or by passing through other land, or in any other way resulting in damage to the lands, waters, or natural resources of the state.

GENERATOR OF HAZARDOUS WASTE — Any person or site whose act or process produces hazardous waste.

GROUNDWATER — Water contained in interconnected pores and fractures in the saturated zone in an aquifer.

HAZARDOUS SUBSTANCE — Any substance, including any petroleum by-product, which may cause harm to humans or the environment when improperly managed. A complete list of all hazardous substances, except for petroleum by-products, can be found in 6 NYCRR 597.2(b), Tables 1 and 2, and amendments thereto.

HAZARDOUS WASTE — See 6 NYCRR Part 371 and amendments thereto for the identification and listing of hazardous wastes.

HERBICIDE — Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including those substances defined as

herbicides pursuant to Environmental Conservation Law § 33-0101, and amendments thereto.

LARGE QUANTITY GENERATOR — As defined by the Resource Conservation and Recovery Act and amendments thereto, sites either:

(1) Generating more than 1,000 kilograms per month of listed and/or characteristic hazardous wastes; or

(2) Generating or storing more than one kilogram per month of acutely hazardous waste.

MAJOR OIL STORAGE FACILITIES — Facilities with a storage capacity of 400,000 gallons or more of petroleum.

NATURAL RECHARGE — The normal rate at which precipitation replenishes groundwater, without interruption or augmentation by human intervention.

NON-POINT DISCHARGE — Discharges of pollutants not subject to SPDES (State Pollutant Discharge Elimination System) permit requirements.

NYCRR — New York Codes, Rules and Regulations. These regulations can be found at the following web address: http://www.dos.state.ny.us/info/nycrr.

PESTICIDE — Any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, including any substances defined as pesticides pursuant to Environmental Conservation Law § 33-0101 et seq. and amendments thereto.

PETROLEUM — Oil or petroleum of any kind and in any form, including but not limited to oil, petroleum fuel oil, oil sludge, oil refuse, oil mixed with other waste, crude oil, gasoline, and kerosene, as defined in 6 NYCRR Part 597.1(7) and amendments thereto.

POINT SOURCE DISCHARGE — Pollutants discharged from a point source as defined in Environmental Conservation Law § 17-0105 and amendments thereto.

POLLUTANT — Any material or by-product determined or suspected to be hazardous to human health or the environment.

RADIOACTIVE MATERIAL — Any material that emits radiation.

SEQRA — The State Environmental Quality Review Act.

SMALL QUANTITY GENERATOR — As defined by the Resource Conservation and Recovery Act and amendments thereto, sites that do not qualify as conditionally exempt small quantity generators and that generate and store less than 1,000 kilograms per month of listed and/or characteristic wastes, and that generate or store less than one kilogram per month of acutely hazardous waste.

SOLID WASTE — Generally refers to all putrescible and nonputrescible materials or substances, except domestic sewage, sewage treated through a publicly owned treatment works, or irrigation return flows, that is discarded or rejected as being spent or otherwise worthless, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires,

ashes, contained gaseous material, incinerator residue, construction and demolition debris, and discarded automobiles, as defined in 6 NYCRR 360-1.2(a) and amendments thereto.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) — The system established pursuant to Article 17, Title 8, of the Environmental Conservation Law for issuance of permits authorizing discharges to the waters of the State of New York.

WASTEWATER — Aqueous-carried solid or hazardous waste.

WATERSHED — All land contributing surface runoff and groundwater flow to the flow of a particular stream.

WATER SUPPLY — The groundwater resources of the Town of Pleasant Valley or the groundwater resources used for a particular well or community water system.

WELL — Any present or future artificial excavation used as a source of public or private water supply which derives water from the interstices of the rocks or soils which it penetrates, including bored wells, drilled wells, driven wells, infiltration galleries, and trenches with perforated piping, but excluding ditches or tunnels, used to convey groundwater to the surface.

D. General provisions for groundwater and surface water.

(1) Nondegradation standard. No use shall be allowed which can be calculated or anticipated to degrade the quality of groundwater or surface water in a manner that poses a potential danger to public health or safety, and no permits or approvals shall be issued for any use which violates this standard. Compliance with applicable standards, requirements, and permit conditions imposed by federal, state, or county agencies shall be deemed to constitute compliance with this standard.

(2) The manufacture, use, storage, or discharge of any products, materials, or by-products subject to these regulations, such as wastewater, solid waste, hazardous substances, or any pollutant, must conform to the requirements of these regulations.

(3) In addition to the list of statewide Type I actions contained in SEQRA, all proposed actions resulting in discharges calculated to exceed groundwater effluent standards provided in 6 NYCRR 703.6(e) and amendments thereto, or calculated to exceed surface water effluent limitations developed in accordance with 6 NYCRR 702.16(b) and amendments thereto, shall be designated as Type I actions under the implementing regulations of SEQRA, unless the action is listed as a Type II action under such regulations.

(4) Usage of any groundwater for proposed actions shall be examined pursuant to SEQRA in accordance with the methodology in Subsections F and G of this § 98-53.

(5) All proposed actions where consumption of water from site aquifers or from

any stream other than the Hudson River exceeds natural recharge, as defined in Subsections F and G herein, shall require monitoring of wells on abutting parcels if on-site groundwater sources are being proposed, or stream flow and stream water quality evaluations if an on-site surface water source is proposed, and the proposed action shall be designated as a Type I action under the implementing regulations of SEQRA, unless the action is listed as a Type II action under such regulations.

(6) Design requirements for stormwater control measures.

(a) No net loss of groundwater infiltration capacity shall be allowed relative to undeveloped site condition (e.g., native soils with modest vegetation) during storms up to the ten-year storm event in all zoning districts, except the Hamlet and Mixed Use Commercial Districts. For sites in the Hamlet and Mixed Use Commercial Districts, all opportunities to use infiltration practices must be explored, regardless of soil type or design storm thresholds, before meeting the balance of stormwater management obligations using other practices.

(b) To alleviate flooding during storms exceeding the ten-year design storm, stormwater control measures shall function in all zoning districts to attenuate peak runoff flow rates to be equal to or less than flow rates under undeveloped site conditions.

(7) In addition to testing requirements of the New York State Department of Health and/or New York State Department of Environmental Conservation testing for new wells, the following specific requirements apply when installing new wells used for potable or irrigation water in the Town of Pleasant Valley:

(a) For new community water system wells the following monitoring and analyses are required: installation and monitoring of monitoring wells in any surface water body and wetland on or abutting the site; documented efforts to monitor and/or monitoring of the water level in all wells on abutting parcels when testing the new wells; test flow rates should be increased proportionally above the normal rate whenever precipitation during the prior four months exceeds 1/3 of the Town's long-term average precipitation of 40 inches/year (from Chazen 2006 Aquifer Recharge Rate report available on the Dutchess County Water & Wastewater website); analysis of the site water budget using the methodology outlined in Subsections F and G herein.

(b) For subdivisions with six or more domestic wells: A site pumping test is required if centralized or off-site wastewater service is proposed and/or if average parcel sizes are below 1.3 acres over Hydrologic Soil Group A and A/D soils, below 1.8 acres over Hydrologic Soil Group B soils, below 3.3 acres over Hydrologic Soil Group C and C/D soils and below 5.9 acres over Hydrologic Soil Group D soils (from Chazen 2006 Aquifer Recharge Rate report available on the Dutchess County Water &

Wastewater website). The pumping test should be conducted using 10% (rounded up) of site wells, with each test well discharging a minimum of five gallons per minute. Monitoring and reporting required are as in Subsection D(7)(a) above although without the proportional pumping test increase during wet periods. The simultaneous flow test must last a minimum of 24 hours and be extended as necessary until stabilization is observed in test wells, wetlands and streams, and observation wells.

(c) For any other projects requiring withdrawals of more than 1,500 daily gallons of water from wells or surface water sources, and where on-site recharge as defined in Subsection F herein is less than the proposed water withdrawal, the following apply:

[1] If the proposed water source is a well, a minimum twenty-four-hour flow test of proposed wells is required, including impact analysis including water level monitoring in wells on abutting parcels and nearby streams and wetlands.

[2] If the proposed water source comes from surface water, an evaluation is required of potential impacts on connected or adjacent streams and wetlands.

(8) The following considerations should be explored when developing a clustered subdivision with individual domestic wells and septic systems to minimize interference between wells and septic systems.

(a) Limit the degree to which parcels are under the sizes in Subsection D(7)(b) above to reduce the likelihood of well water interference from septic system discharges.

(b) Clustered parcels should be arranged along a hillside rather than up and down a hillside so septic discharges do not flow downhill toward adjacent parcels.

(c) Clustered parcels near ponds, streams or perennial wetlands may consider use of extended well casings extending at least 50 feet deeper than the water table to tap groundwater below shallow groundwater transporting septic discharges to receiving water bodies. Extending well casings can help ensure that wells capture only deeper, cleaner water that receives recharge from distant upgradient (uphill) areas.

(d) Clusters situated on hillside or upland areas [e.g., not in proximity to ponds, streams or perennial wetlands as in Subsection D(7)(b)] should consider the following:

[1] Use of enhanced treatment units in individual septic systems to release cleaner wastewater to the subsurface; or

[2] Use of community wells from a groundwater source distant from the cluster and/or use of collective wastewater treatment with either an

aboveground discharge or subsurface disposal with collective enhanced pretreatment prior to discharge.

(e) On a large cluster subdivision project with difficult soil and/or slope conditions, several subclusters of five lots to eight lots may ensure reliable well water quality better than one large cluster.

E. Restrictions and permit requirements for aquifer management. In accordance with Article VII of this chapter, the Zoning Board of Appeals shall review and act upon special permit applications within the Town of Pleasant Valley. If the uses listed below are regulated by any state or federal agency, the definitions and regulations of such uses contained in applicable state or federal laws and regulations shall apply.

(1) Special permits. The following uses, when permitted in the land use district, shall require the issuance of a special permit:

(a) Photo labs.

(b) Auto repair facilities and truck terminals, including engine repair and machine shops.

(c) Furniture stripper/painter, metal works, wood preservers.

(d) Printers and the use of printing presses.

(e) Conditionally exempt, small quantity and large quantity generators of hazardous waste.

(f) Municipal, private, and construction and demolition landfills as defined in 6 NYCRR 360-2 and 6 NYCRR 360-7.

(g) Solid waste management facilities not involving burial, including incinerators, composting facilities, liquid storage, regulated medical waste, transfer stations, recyclables handling and recovery facilities, waste tire storage facilities, used oil, C&D processing facilities, each as defined in 6 NYCRR Part 360.

(h) Salt storage facilities.

(i) Residential uses using wells and septic systems where average parcel sizes are below those listed in Subsection D(7)(b).

(j) Uses and land subdivisions where water consumption exceeds natural recharge as described in Subsections F and G.

(k) Cemeteries, including pet cemeteries.

(l) Veterinary hospitals and offices.

(m) Funeral parlors engaging in embalming.

(n) Storage or disposal of manure, fertilizers, pesticides/herbicides. No special permit shall be required for storage of less than 500 pounds or where such storage or disposal is conducted in connection with a farm operation that is covered by the exemptions in § 98-17.

(o) Disposal, by burial, of any hazardous waste, as defined in 6 NYCRR Part 371

(p) Gas stations and major oil storage facilities.

(q) On-site dry cleaning.

(r) Junkyards and automobile cemeteries.

(2) Special conditions for select proposed uses listed in Subsection E(1) above:

(a) Storage of chloride salts for road deicing is prohibited except in structures designed to minimize contact with precipitation and constructed on low-permeability pads designed to control seepage and runoff.

(b) Upon request by the Town, generators of hazardous waste shall provide the Town with copies of all applicable permits provided by state and/or federal regulators and copies of all annual, incident, and remediation-related reports.

(c) Any projects where water consumption exceeds natural recharge, as defined in Subsections F and G herein, shall demonstrate through SEQRA how such impact will be mitigated. Mitigation measures may include identifying compensatory recharge to permanently prevent adverse impacts to water supply on adjoining and downgradient land. Such compensatory recharge may be located either upgradient or downgradient of the project. Where the project is located adjacent to a wetland, watercourse, parkland, or other land that is permanently protected from development, the recharge or dilution capacity of such adjacent protected land may be counted toward the required mitigation of the impact of the project, provided that such recharge capacity is not claimed in connection with another project.

(d) Upon request by the Town, gasoline service station operators shall provide the Town with copies of all applicable permits provided by state and/or federal regulators and copies of all annual, incident, and remediation-related reports, as well as any required compliance sampling or monitoring data.

(e) Junkyard operators shall drain fuels, lubricants, and coolants from all cars stored on site to properly permitted aboveground holding tanks. Upon request of the Town, junkyard operators shall provide to the Town copies of all applicable permits provided by state and/or federal regulators and copies of all annual and incident reports, and provide the Town with an annual summary of numbers of vehicles on site and total gallons of

various classes of fluids drained from vehicles and disposal manifests or other documentation of disposition of such fluids.

(f) Upon request by the Town, generators of hazardous waste shall provide the Town with copies of all applicable permits provided by state and federal regulators and copies of all annual, incident, and remediation-related reports.

(g) The Town may require additional monitoring and reporting.

(3) Application requirements for special permits. In addition to the special permit application requirements set forth in Article VI, applicants proposing actions listed in Subsection E(1) above shall identify the following as part of their applications, where appropriate:

(a) The source of water to be used;

(b) The quantity of water required;

(c) Water use minimization measures to be implemented;

(d) Water recycling measures to be implemented;

(e) Wastewater discharge measures;

(f) Grading and/or stormwater control measures to enhance on-site recharge of surface water;

(g) Point source or non-point discharges;

(h) A certified statement indicating that only waste characteristic of domestic waste will be released to any septic systems;

(i) A complete list of any hazardous substances to be used on site, along with quantity to be used and stored on site; and

(j) A description of hazardous substance storage or handling facilities and procedures.

F. Determination of a parcel's natural rate of aquifer recharge. The natural recharge rate for a parcel shall be determined by identifying the soil types on the property, classifying them by hydrologic soil groups (A through D, A/D and C/D), and applying a recharge rate of 18.2 inches/year for A and A/D soils, 13.3 inches/year for B soils, 6.8 inches/year for C and C/D soils, and 3.8 inches/year for D soils, and multiplying the recharge rate(s) by the number of acres in the parcel for each soil group (rates taken from Chazen 2006 Aquifer Recharge Rate report available on the Dutchess County Water & Wastewater website).

G. Consumption of water. The following table establishes the method to calculate projected site or watershed consumption of water, as defined in Subsection C. Consumption may be considered to be zero where the source of water used on a proposed site is the Hudson River. Where projects meet more than one condition

listed on the table below, the calculation resulting in the greatest consumption value must be used.

Use	Gallons per day	Multiplied by dilution factor	Consumption/ day
Irrigated lands (nonagricultural)	Irrigated acres x 4,000[1]	x 1	=
Uses with surface discharge of wastewater if source water is from surface water	Calculated demand	x 0.2	=
Uses with surface discharge of wastewater if source water is from on-site groundwater wells	Calculated demand	x 1	=
Residential uses with conventional subsurface wastewater discharge[2]	70 gpd/capita	x 8	=
Nonresidential uses with conventional subsurface wastewater discharge[2]	Daily use	x 8	=

Notes:

[1] Applicable for vegetation requiring one inch/week irrigation. May be adjusted for vegetation with other water requirements.

[2] Calculate use per NYSDEC intermediate wastewater disposal guide. Discharge must not exceed NYSDEC Title 10, Part 703, effluent limits.

H. Reporting of discharges. Any person or organization responsible for any discharge of a hazardous substance, solid waste, hazardous waste, petroleum product, or radioactive material shall notify the Town Clerk of such discharge within 24 hours of the time of discovery of the discharge. This notification does not alter other applicable reporting requirements under existing law and applies to all uses, whether conforming or nonconforming in any respect.

I. Nonconforming uses, structures, and lots: See Article VI of this chapter. For any nonconformity which requires a special permit to expand or change, all requirements of this § 98-53 shall apply to such expansion or change.

§ 98-54. Wind power generating facilities.

A. Purpose. The Town of Pleasant Valley recognizes the increased demand for

alternative energy-generating facilities and the need for more inexpensive and sustainable power sources that a wind power generating facility may provide. The purpose of these supplemental regulations is to protect the community's interest in properly siting a private wind power generating facility in a manner consistent with sound land use planning, while also allowing private and farm-related providers to meet their power-generating objectives.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL WIND POWER GENERATING FACILITY (WIND FARM) — A wind power generating facility which generates original power on site to be transferred to a transmission system for distribution to customers. The definition of a commercial wind power generating facility shall not include a private wind power generating facility erected and used primarily for private use, which may sell back excess power to the commercial grid.

PRIVATE WIND POWER GENERATING FACILITY, FARM-RELATED — An individual wind power generating facility used to generate power used to supply a farm's electrical needs, not exceeding 110% of the farm's anticipated demand. The facility shall be considered to be on-farm equipment.

PRIVATE WIND POWER GENERATING FACILITY, NON-FARM-RELATED — An individual wind power generating facility used to generate power for on-site use by the property owner or homeowner, except for the required electrical current feedback to the power company.

ROOF-MOUNTED WIND POWER GENERATING FACILITY — A relatively small wind power generating facility which generates original power on site for on-site use by the property owner or homeowner, mounted on the principal building's roof and with a maximum height no greater than 10 feet above the peak of the roof.

WIND POWER GENERATING FACILITY — A wind generating facility which generates original power on-site.

WIND ENERGY CONVERSION SYSTEM (WECS) — A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "power generating facility" or "windmill"). The WECS includes all parts of the system except the tower and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

C. Permitted and prohibited uses.

(1) A roof-mounted private wind power generating facility is a permitted use within all zoning districts.

(2) A private wind power generating facility is permitted upon the granting of a special use permit and site plan approval within the Conservation District (CONS), Rural Agricultural District (RA), Rural Residential District (RR) and Office/Industrial District (OI).

(3) A commercial wind power generating facility is prohibited in all districts.

D. Additional standards for non-farm-related private wind power generating facilities. No special use permit shall be granted for a private wind power generating facility and/or transmission system unless it is determined by the Zoning Board of Appeals that the proposed use meets all of the following criteria, in addition to the special use permit and site plan review criteria in Article VI of this chapter:

(1) A non-farm-related private wind power generating facility is considered a Type I action under SEQR.

(2) The minimum required setback distance between each private wind power generating facility and all surrounding property lines, overhead utility lines, any dwellings or other buildings for occupancy, and any other private wind power generating facility shall be no less than 1.5 times the proposed structure height plus the rotor radius, if applicable.

(3) No private wind power generating facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation, if applicable.

(4) No private wind power generating facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas (including residential reception antennas) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception, if applicable.

(5) Use of nighttime, and overcast daytime condition, stroboscopic lighting to satisfy facility lighting requirements for the FAA shall be subject to on-site field testing before the Zoning Board of Appeals as a prerequisite to that Board's approval with specific respect to glare to existing residential uses within 200 feet of each facility for which such strobe lighting is proposed.

(6) No private wind power generating facility shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way, public body of water, or publicly owned land within the Town of Pleasant Valley or that extends beyond the border of the Town of Pleasant Valley.

(7) A private wind power generating facility shall be located with relation to property lines so that the level of noise produced during power generating facility operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of the issuance of any special use permit for such facility.

(8) No private wind power generating facility shall be permitted that lacks an automatic braking, governing, or featuring system to prevent uncontrolled

rotation, overspeeding, and excessive pressure on the structure, rotor blades, and turbine components.

(9) The minimum distance between the ground and any part of the rotor blade system shall be 30 feet, unless a fence enclosure is provided to limit unauthorized or accidental access to the spinning rotors.

(10) The maximum height for a private wind power generating facility is 100 feet to the top of the blade in its vertical position.

(11) All power transmission lines from the private wind power generating facility to on-site substations shall be underground.

(12) Procedures acceptable to the Zoning Board of Appeals for emergency shutdown of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.

(13) A digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other locations throughout the region, to a distance of five miles from the center of the project, shall be provided. The scale used shall depict a three-mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks.

(14) Color photographs, at least three inches by five inches, taken from locations selected by the Zoning Board of Appeals within a three-mile radius of the boundaries of the facility site, shall be provided. Said photographs shall be computer enhanced to simulate the appearance of the as-built aboveground site facility as such would appear from said locations. The number of photographs to be submitted shall be no less than four.

E. Farm-related private wind power generating facility submittal requirements. A private wind power generating facility associated with agricultural farm management practices shall be subject to the following, as recommended by the New York State Department of Agriculture and Markets:

(1) A farm-related private wind power generating facility is considered a Type II action under SEQR.

(2) Provide a sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.

(3) Show the existing features of the site, including land and water areas, water or sewer systems, utility lines, and the approximate location of all existing structures on or immediately adjacent to the site.

(4) Show the proposed location and arrangement of the farm-related private wind

power generating facility on the site.

(5) The minimum required setback distance between each farm-related private wind power generating facility and all surrounding property lines, overhead utility lines, any dwellings or other buildings for occupancy, and any other private wind power generating facility, shall be no less than 1.5 times the proposed structure height plus the rotor radius, if applicable.

(6) Include copies of plans or drawings prepared by the manufacturer.

(7) Provide a description of the project and a narrative of the intended use of the proposed wind energy production facility, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes; include the name and address of the applicant and any professional advisors; if the applicant is not the owner of the property, provide authorization from the owner.

(8) List safety measures to prevent unauthorized climbing on the facility.

(9) Prescribe requirements for automatic braking, governing, or feathering system to prevent uncontrolled rotation of the rotor blades and turbine components.

F. Liability insurance. Prior to issuance of a building permit for a private wind power generating facility and continuing through construction and operation, until such facility is removed from the site, the applicant shall provide documentation satisfactory to the Town and at such reasonable intervals as determined by the Town of the existence of liability insurance coverage with reasonable limits as determined by the Town Board, for property damage, injury or death resulting from the construction, placement, use, maintenance, operation of a private wind power generation facility, by the owner of the site.

G. Performance bond.

(1) When the permit is obtained for a private wind power generating facility, the applicant must provide and maintain a performance bond issued by a surety licensed in New York State in a form acceptable to the Town or such other security acceptable to the Town for removal of the power generating facility(ies) and property restoration, in an amount approved by the Town Board.

(2) When a permit is renewed or modified, the Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the wind power generating facility and property restoration.

H. Removal of obsolete private wind power generating facilities. Obsolete or unused wind power generating facilities and accessory structures shall be removed from any site within four months of the discontinuance of the use thereof. The owner of the site shall notify the Town in writing within 10 days of the discontinuance of the use of such wind power generating facility. Failure to notify and/or remove the obsolete or unused facility in accordance with these regulations shall be a violation

of this chapter. The Town Board may remove such facilities after 60 days and treat the cost as a tax lien on the property.

§ 98-54.1. Solar energy systems. [Added 6-26-2017 by L.L. No. 2-2017]

A. Purpose. Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this section is to facilitate the development and operation of renewable energy systems based on sunlight. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED PHOTOVOLTAIC PRODUCT (BIPV) — A building product that incorporates photovoltaic modules and functions as a component of the building envelope, which includes photovoltaic siding, photovoltaic canopies and awnings, photovoltaic shingles and other photovoltaic roof coverings.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM — A solar energy system that uses building-integrated photovoltaic products.

COMMERCIAL SOLAR ENERGY SYSTEM — A solar energy system designed to produce electricity for off-site energy consumption, which is operated as a commercial or nonprofit activity. Commercial solar energy systems include net-metered systems that are designed to produce more than 110% of the average yearly energy requirements for the property on which the solar energy system is located.

GROUND-MOUNTED SYSTEM — A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

LEGALLY PERMITTED STRUCTURES — Principal and accessory structures permitted under the current Zoning Code for which a certificate of occupancy or a certificate of compliance has been issued or structures which do not require a certificate of occupancy or certificate of compliance because they were created before building permits were required or otherwise do not require the certificate. The determination of whether a structure requires a certificate of occupancy or certificate of compliance shall be made by the Zoning Administrator.

ROOF-MOUNTED SYSTEM — A solar panel or panels located on a roof of a legally permitted principal use or accessory structure.

SOLAR ENERGY EQUIPMENT — Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy, not including solar panels.

SOLAR ENERGY SYSTEM — An electrical generating system composed of a combination of both solar panels and solar energy equipment.

SOLAR PANEL — A device capable of collecting and converting solar energy into

electrical energy.

C. Safety requirements.

(1) All solar energy systems shall comply with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code established pursuant to New York Executive Law § 381(2) (New York State Uniform Code).

(2) In the event that the New York State Uniform Code contains more restrictive regulations covering solar energy systems than those noted in this subsection and the regulations conflict, then the New York State Uniform Code regulations shall prevail.

D. Solar energy systems for private/residential use.

(1) Roof-mounted systems. Roof-mounted solar energy systems for private/ residential (RMSES) are permitted as an accessory use in all zoning districts when attached to a legally permitted structure, as defined in Subsection B above, subject to the requirements set forth in this section:

(a) Height. RMSES shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building-mounted mechanical devices or equipment pursuant to the Zoning Code.

(b) Setback. RMSES are subject to the setback requirements of the underlying zoning district. Any RMSES to be placed on principal or accessory structures which do not meet the setback requirements, whether such structures are permitted pursuant to the grant of a variance from the setback requirements or are preexisting, nonconforming, shall apply to the Zoning Board of Appeals for a special use permit from this requirement to insure that there is no adverse impact to neighboring properties.

(c) Aesthetics. Solar installations shall incorporate the following design requirements:

[1] Solar energy equipment shall be installed inside walls and attic spaces, where practical, to reduce their visual impact. If solar energy equipment is visible from a public right-of-way, it shall match the color scheme of the underlying structure to the extent possible. Marking of electrical equipment shall be in accordance with the Uniform Code, the NEC or other applicable codes.

[2] Roof-mounted solar panels facing the front yard must be mounted at approximately the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of any panel.

[3] Solar panels affixed to a flat roof shall be placed below the line of sight from a public right-of-way. If topography makes this requirement impractical, then the Zoning Administrator shall make the determination relating to the enforcement of this provision.

[4] Solar panels shall be constructed of a material designed to minimize glare and shall be roof mounted in a manner to minimize impact to any neighboring property. In no way will a rooftop solar installation be permitted where snow or rain runoff will adversely affect public safety or adjacent property.

(d) The applicant shall complete the Pleasant Valley unified solar permit.

(2) Ground-mounted systems. Ground-mounted solar energy systems for private/ residential use (GMSES) are permitted as an accessory use, and the installations will be treated as accessory structures in all zoning districts, subject to the requirements set forth in this section:

(a) All ground-mounted solar panels in residential districts shall be installed in the side yard or rear yard.

(b) Setback. Ground-mounted solar panels are subject to setback requirements of the underlying zoning district; provided, however, that in zoning districts which have a minimum lot size of 3.5 acres, a minimum setback of 100 feet from any property line is required.

(c) Height. Solar panels are restricted to a height of 12 feet from the ground under the solar panel to the highest point of the solar panel or racking structure, whichever is greater.

(d) Lot coverage. The total surface area of ground-mounted solar panels shall be included in lot coverage and impervious surface calculations. If the supporting structure of a ground-mounted solar energy system is solid or in any way blocks the ability for rain to reach the ground, then the entire structure shall be included in the impervious surface calculations.

(e) Planning Board review and approval. All GMSES shall be subject to site plan review and approval by the Planning Board. The Planning Board shall consider the location, siting, screening, neighborhood or viewshed impacts, stormwater runoff and other environmental impacts. Applications shall include the location of residences on all adjoining properties. Negative environmental impacts, including clearing of existing trees, shall be avoided, to the extent possible, in the siting.

(f) Verification of utility notification. Each applicant shall submit a copy of their application to the public electrical utility. Foreseeable infrastructure upgrades shall be documented and submitted and shall be subject to approval by the Planning Board. No building permit will issue for a solar energy system designed for commercial power generation (e.g., power for wholesale or retail sales) until such time as the electrical utility has

indicated it will accept power from the solar energy system. Off-grid systems and systems designed to produce energy for the sites they are installed on are exempt from this requirement.

(g) The application shall set forth the name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.

(h) All applications shall include plans, acceptable to the consulting engineer for the Planning Board, showing the layout of the solar energy system. All equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems and inverters that are to be installed.

(i) Screening. GMSES shall be screened with perimeter plantings, to consist of evergreen plantings having a minimum height of four feet at the time of installation, and shall be placed in a manner to alleviate any visual impact from the systems to either public roads or neighboring properties. The screening shall be maintained at all times and shall be replaced as soon as practicable if damaged or destroyed for any reason. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to viewshed and screening requirements.

(j) If the Planning Board determines that a landscape buffer will not provide adequate screening, then the Planning Board may require a ground-mounted system to be fully screened from adjacent properties and roads by fencing or a combination of fencing and evergreen and deciduous plantings. Plantings used for screening shall be of such a height and width, at the time of planting, so as to obscure the ground-mounted system from adjacent properties. Said screening shall be subject to the prior review and approval of the Planning Board to ensure compliance with this requirement. The Planning Board has the authority to take the physical characteristics of the site into consideration as they relate to viewshed and screening requirements.

(k) Ground-mounted systems shall be placed in such a way to balance the benefit to the property owner with adverse impacts to neighboring properties. The Planning Board has authority to increase the setback requirements where there is an adverse impact to neighboring properties.

(3) Installation requirements.

(a) All solar energy system installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation requirements, and industry standards. Prior to operation, the electrical connections must be inspected by the Town Building Department and by an appropriate electrical inspection person or agency, as approved by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

(b) Connection to the public utility grid system must be accomplished without additional infrastructure in the public right-of-way necessary to connect such system to the grid. Any new connecting lines on premises to connect the public right-of-way shall be placed underground. Infrastructure required, by the utility, for utility interconnection located in the utility right-of-way and upgrades to an existing overhead utility service drop is permitted.

(c) When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of Dutchess County and other applicable laws and regulations.

(d) Warning signs. All warning signs and equipment markings for the solar energy systems shall be in accordance with the New York State Uniform Code, the NEC and the NFPA.

E. Commercial solar energy systems. Due to the potential for negative impacts to neighborhood character and to other environmental resources from commercial activity related to energy generation, supply and transmission in residential zones, commercial solar energy systems are strictly prohibited in all residential and conservation zoning districts in the Town, except as provided in Subsection F below. Commercial solar energy systems will be permitted, subject to site plan approval by the Planning Board, in the following zoning districts: Mixed Use Commercial (MC), Office industrial (OI), Quarry (Q) and Pleasant Valley Hamlet (H-PV). Such commercial solar energy systems shall be subject to following requirements:

(1) Height and setback requirements. Commercial solar energy systems shall adhere to the height and setback requirements of the underlying zoning district. Additional restrictions and setback requirements may be imposed during the Planning Board site plan permit process at the sole discretion of the Planning Board.

(2) Lot coverage. Solar installations as a principal use shall be subject to lot coverage regulations in all districts where permitted.

(3) All commercial solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the Planning Board during the site plan process.

(4) In addition to the above restrictions, the following requirements shall apply:

(a) Verification of utility notification. The applicant shall submit a copy of the electrical utility's application with the initial Town application. Required utility infrastructure upgrades shall be documented and

submitted and shall be deemed part of the site plan approval required by the Planning Board. No building permit will be issued until such time that the electrical utility has provided approval, preliminary or otherwise. Utility equipment in the right-of-way is exempt from this provision. A commercial solar energy system to be connected to the utility grid shall provide a proof of concept letter from the local utility company acknowledging the commercial solar energy system will be interconnected to the utility grid in order to sell electricity to the public utility entity.

(b) The applicant shall submit the name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.

(c) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the projects, including easements and other agreements, shall be submitted.

(d) Site plan approval is required.

(e) Plans of the solar installation showing the layout of the system which are acceptable to the engineering consultant to the Planning Board shall be submitted.

(f) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

(g) Property operation and maintenance plan. A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, fence inspection and any needed repairs, etc.

(h) Height restrictions. The maximum height for ground-mounted commercial solar energy systems shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking, whichever is greater.

(i) Design standards.

[1] Screening. A ground-mounted commercial solar energy system shall be screened with perimeter planting, to consist of evergreen plantings, having a minimum height of four feet at the time of installation, and shall be set back as determined by the Planning Board in a manner to minimize the visual impact of the commercial solar energy system upon neighboring properties, public roads and public areas.

[2] A landscape buffer shall be provided around all equipment and solar

panels to provide screening from adjacent properties and roads. The Planning Board has the authority to take the physical characteristics of the site into consideration as they relate to viewshed and screening requirements.

[3] Ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant natural fauna, or pervious pavers when approved by the Planning Board.

[4] Any new roadways within the site shall be constructed of pervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

[5] All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

[6] All commercial solar energy system facilities shall be designed and located in order to prevent reflective glare toward any inhabited building and adjacent properties as well as public roads.

[7] All mechanical equipment of a commercial system, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening in accordance with the landscaping provisions of this chapter.

[8] Commercial solar energy systems must meet the safety regulations as set forth in Subsection C above.

(5) Signs.

(a) A sign not to exceed eight square feet shall be attached to the fence adjacent to the main access gate and shall list the facility name, owner and phone number.

(b) A clearly visible warning sign must be placed at the base of all pad-mounted transformers and substations, clearly marked "Danger," and list all voltages present.

(6) Abandonment.

(a) All applications for commercial solar energy systems shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the structure. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, or other approved method of addressing the solar energy system's end of life, as determined by the Town Engineer, to ensure removal of the solar energy system or facility or structure in accordance with the

decommissioning plan described below. The form of the guarantee must be reviewed and approved by the Town Engineer and Town Attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the Town Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a solar energy system production facility or structure, a demolition permit for removal activities shall be obtained from the Town.

(b) If the applicant ceases operation of the solar energy system or structure for a period of 18 months, or begins but does not complete construction of the project within 18 months after receiving final site plan approval, the applicant will submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:

[1] Removal of aboveground and below-ground equipment structures and foundations.

[2] Restoration of the surface grade and soil after removal of equipment.

[3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

[4] The plan shall include a time frame for a completion of site restoration work.

(c) In the event that construction of the solar energy system or structure has been started but is not completed and functioning within 18 months of the issuance of the final site plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.

(d) Upon cessation of activity of a fully constructed solar energy system or structure for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning. Within 180 days of notice being served, the owner and/or operator can either restore the system to equal to 80% of approved capacity or implement the decommissioning plan or provide a restoration plan for the unused portion of the solar energy system.

(e) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, and restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the defaulted owner and/or

operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

F. Commercial solar energy systems in residential/conservation zoning districts. Commercial solar energy systems may be permitted in residential and conservation districts, subject to the approval of the Planning Board pursuant to the site plan approval process, providing the following criteria are met:

(1) The parcel on which the solar energy system shall be placed has an acreage/ size of a minimum of 25 acres.

(2) The footprint of the solar energy system, including the perimeter fence, shall not exceed 10% of the parcel or seven acres, whichever is the lesser.

(3) The solar energy system shall be placed so that the system is located towards the interior of the parcel and is not visible from any public roadway or from any residence on the adjoining parcel.

(4) The solar energy system shall meet the requirements of Subsection D above.

(5) Siting of the solar energy system shall also avoid adverse impact on agricultural soils and shall not require extensive tree removal or disruption of forested area over aquifer recharge zones.

(6) The Planning Board may restrict the size or siting of commercial solar energy systems on large parcels as may be necessary to protect environmental resources, including scenic views, or neighborhood character.

G. Parking lot coverage in the Hamlet Zone. Commercial solar energy systems are designated as a permitted use in the zoning district of the Hamlet of Pleasant Valley pursuant to Subsection F. Any commercial solar energy systems designed for placement over the parking lots of existing commercial establishments may be approved only upon a finding of the Planning Board that:

(1) The installation will not negatively affect the aesthetic character of the Hamlet of Pleasant Valley; and

(2) The installation will not create a safety hazard or interfere with access to establishments which utilize the parking lot subject to coverage. Such commercial solar energy systems designed for placement over existing parking lots in the Hamlet of Pleasant Valley shall be subject to site plan approval by the Planning Board and must meet all the requirements set forth in Subsection D above, with the exception of any screening requirements if the Planning Board determines that it would be impossible and/or impractical to screen such systems above existing parking lots.

H. Solar energy systems on farm operations in certified agricultural districts.

(1) No solar energy systems may be installed on a farm operation in a certified agricultural district without the issuance of a building permit as required by the Uniform Code.

(2) Roof-mounted solar energy systems are permitted accessory uses on farm operations in certified agricultural districts subject to the issuance of a building permit as required by the Uniform Code.

(3) Ground-mounted solar energy systems that are considered to be on-farm equipment in accordance with the guidance of the New York State Department of Agriculture and Markets are permitted with a limited site plan review. For purposes of this review, the applicant shall provide:

(a) Copies of any plans, drawings and specifications of the ground-mounted solar energy system required by the Uniform Code;

(b) Sketch of the parcel on a location map (e.g., Tax Map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site, including land and water areas, wetlands and special flood hazard areas and the approximate location of all existing structures on or immediately adjacent to the site. Show the proposed location of the ground-mounted solar energy system as well as any access roadways and utility connections. Such sketch need not be prepared by a design professional;

(c) Authorization of the owner if the applicant is not the owner of the property; and

(d) Application form and fee.

(4) Ground-mounted solar energy systems on farms that are not on-farm equipment are considered commercial solar energy systems and are regulated under Subsections E and F above.

(5) Solar energy systems in certified agricultural districts should be located in such a manner to minimize impacts to the most productive agricultural soils on the property.