

TOWN OF DIANA

ZONING LAW

LOCAL LAW #3 OF 2002

Adopted December 10, 2002

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ARTICLE X. DEFINITIONS

ARTICLE I. ENACTING CLAUSE, TITLE, PURPOSE

Section 110 Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Diana hereby adopts and enacts the following law.

Section 120 Title

This law shall be known as "The Town of Diana Zoning Law".

Section 130 Purpose of the Zoning Law

The purpose of the Town of Diana Zoning Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the town, retain and improve land values, encourage quality development, ensure wise use of the resources and promote the general health and welfare of the town residents. This law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the town and its residents.

This zoning law has been made with reasonable consideration, among other things, as to the character of the town and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the use of land appropriately throughout the Town of Diana.

Low density development, scenic views, clean air and water, extensive forest lands, open space and outdoor recreation opportunities all contribute to the unique rural character of the town. Orderly and responsible development of the town will help preserve these attributes and help assure the unique community vitality of the Town of Diana.

Section 140 Conflict With Other Laws

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply.

ARTICLE II. APPLICABILITY

Section 210 Type of Zone

For the purpose of this law, the Town of Diana is hereby designated as one zone, which shall be designated as Rural Residential.

Section 220 Exempted Uses

The following land use activities are exempted from the requirements of this law. **However**, this law does not supersede, modify, or replace procedural or substantive requirements of other local, state, or federal laws or regulations which may apply to the development, or the necessity that the applicant comply with those laws and regulations and obtain all necessary permits and certificates there under, including those of New York State's Uniform Fire Prevention and Building Code, and no use prohibited by any other law shall be deemed allowable by virtue of this section.

- a. All uses and activities other than commercial and industrial uses, certain solid waste management facilities other than those described in Subsection g. below, campgrounds, and uses specifically regulated in this law.
- b. Home occupations except as described below in Section 230.
- c. Dairy farming, the raising of crops or livestock, and other agricultural pursuits including maple syrup production with construction value of less than one million dollars.
- d. Ordinary repair or maintenance of existing structures for commercial and industrial uses, and campgrounds.
- e. Exterior alterations or additions to a commercial or industrial structure, which will not increase the gross floor area of the existing structure by more than twenty-five percent (25%) within any five (5) year period.
- f. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
- g. The following solid waste management facilities and activities:
 1. Disposal areas and/or burning of solid waste located within the property boundaries of a single family residence or farm for solid waste generated from that residence or farm.
 2. Disposal areas for waste pesticides by the farmer who used them if the farmer complies with Title 6 of the New York State codes, rules and regulations.
 3. Solid waste from nonhazardous inactive landfills which has been excavated as part of a construction project and is being returned to the same excavation or other excavation containing similar solid waste or otherwise relocated within the landfill's existing footprint.
 4. Disposal areas under the jurisdiction of government agencies for animals that are killed on local roads and State and County highways.

5. Land application facilities.
 6. Used oil collection centers.
 7. Land filling of uncontaminated materials including land clearing debris; bricks, concrete, other masonry material, soil and rock.
 8. Temporary transfer, storage, treatment, incinerator and processing facilities located on site and used exclusively for the management of solid waste generated at that location or at a location under the same ownership.
- h. Junkyards.
- i. Mobile home parks and travel trailer parks subject to the Town of Diana Mobile Home and Travel Trailer Ordinance.
- j. Telecommunication towers and antennas less than 60' in height which are accessory to residential, commercial and industrial uses shall be exempt from this law.

Section 230 Uses Requiring Site Plan Review

All new commercial, industrial uses, and communications towers within the town which have not been substantially constructed by the effective date of this law, and exterior alterations or additions to a commercial or industrial structure, [except as noted in Section 220] shall require site plan review and approval before being undertaken. This shall also include home occupations that:

- a. Generate significant traffic, parking, sewage, water use, or noise in excess of what is normal for a residential dwelling; and/or
- b. Create a hazard to person or property, results in electrical interference, or becomes a nuisance; and/or
- c. Result in the significant outward change in appearance of the residential dwelling or accessory structure that is not typical of a residential use; and/or
- d. Exceed 4 full time equivalent employees in addition to members of the family residing in the household. (Full time equivalent shall mean 40 hrs./week.)

Certain uses shall also require a special use permit as described in Section 240.

Section 240 Uses Requiring Special Use Permit

The following uses, which have not been substantially constructed by the effective date of this law, shall require a special use permit before being undertaken:

1. Transfer stations designed and permitted by the NYSDEC to handle less than 400 tons/year of solid waste.
2. Recycling facilities
3. Industrial use (heavy)
4. Telecommunication tower and antennas.

5. **Commercial, industrial, and agricultural uses with a construction value of one million dollars or more.**
6. **Any use that would have the potential of generating an A-weighted sound level (dBA) of 90 decibels on a regular basis at the closest property line.**
7. **All solid waste management facilities not exempt under Section 220 or prohibited under Section 250 of this law, including but not limited to, composting facilities, waste tire storage facilities, construction and demolition debris processing facilities, and petroleum contaminated soil processing facilities.**

Section 250 Prohibited Uses

The following uses are hereby prohibited from being newly sited, newly constructed, or transferred to another location within the Town of Diana except as exempted in Section 220:

1. **Solid waste landfills.**
2. **Construction and demolition debris landfills.**
3. **Incinerators, except when located on the site of, and accessory to, a commercial, industrial, or licensed health care facility.**
4. **Regulated medical waste landfill.**
5. **Transfer stations designed and permitted by the N.Y. State DEC to handle more than 400 tons/year of solid waste.**

ARTICLE III. OBJECTIVES

All land use activities requiring site plan approval shall be accompanied by a proposed site plan. In considering and acting on site plans, the Town Board shall consider the public health, safety, welfare, comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Town Board **may** prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives in particular:

Section 310 Vehicular Access

That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety considerations.

Section 320 Circulation and Parking

That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.

Section 330 Landscaping and Screening

That the proposed development, all parking, storage, loading, and service areas are reasonably screened during all seasons of the year from the view of adjacent residential areas and that the general landscaping and method of construction on the site is in character with the surrounding areas. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses should be given.

Section 340 Natural Features

That the proposed use, together with its sanitary and water services, and storm water and drainage facilities, are adequately designed and compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas, and that existing natural scenic features are preserved to the greatest extent possible.

Section 350 Manmade Features

That the proposed use will utilize appropriate and feasible measures to mitigate the adverse effects of smoke, noise, glare, dust, vibration, odors, or noxious and offensive uses.

ARTICLE IV. PROCEDURES

Section 410 General

Any person, before undertaking any new land use activity at any location within the town for which this law requires site plan review, shall submit a site plan together with appropriate supporting data to the Town Board for review and approval in accordance with the standards and procedures set forth in this law. Upon the Town Board's approval and granting of a zoning permit, all conditions and restrictions imposed upon the site plan approval must be met in connection with the issuance of a certificate of occupancy by the Town Board. The Town Board may waive, subject to appropriate conditions, portions of the requirements herein set forth if they are deemed to be unnecessary by the Town Board in accordance with Section 955 of this law.

Section 420 Application for Site Plan Review

To apply for site plan review and zoning permit, an applicant shall complete a site plan application form and file it with the Town Clerk together with the application fee, as determined by resolution of the Town Board. The Town Clerk shall notify the Town Board of the date that such application was received.

Section 430 Site Plan Submission Requirements

The site plan submitted for review and supporting documentation shall include where applicable, as determined by the Town Board, the following information, as well as other information that may be requested:

- a. Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.
- d. Location, size and existing use of buildings on premises.
- e. Location and ownership identification of all adjacent lands as shown on the latest tax records.
- f. Location, name, and width of existing adjacent roads.
- g. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, internal roads, reservations, and areas dedicated to public use on or adjoining the property.
- h. Grading and drainage plan, showing existing and proposed contours and water courses.
- i. Location, type of construction and exterior dimensions of all buildings and mobile home sites.
- j. Identification of the amount of gross floor area proposed for commercial/industrial facilities.
- k. Location, type of construction, and area of all parking and truck loading areas, showing access and egress.
- l. Provision for pedestrian access, including public and private sidewalks, if applicable.
- m. Location of outdoor storage, if any.
- n. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- o. Description of the method of sewage disposal and the location of such facilities.
- p. Description of the method of securing water, location of such facilities, and approximate quantity of water required.

- q. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
- r. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, and solar energy.
- s. Location, size, design and type of construction of all proposed permanent signs.
- t. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
- u. Location and design of existing and proposed outdoor lighting facilities.
- v. General landscaping and planting schedule.
- w. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
- x. Estimated project construction schedule.
- y. Other elements integral to the proposed development as may be specified by the Town Board.

Section 440 Specifications of Materials to be Submitted

- a. **Site Plan Map:** The site plan map shall be drawn at a scale of one hundred (100) feet to one inch or larger. Existing topography at a contour interval of not more than five (5) feet may be required by the Town Board. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc.
- b. **Site Plan:** The site plan for the proposed development, shall be drawn to a scale of one hundred (100) feet to one inch or larger.
- c. **Elevations and/or Sections:** Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or smaller/larger scale as the site plan, may be required by the Town Board. The elevation and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.
- d. **Engineering Plans:** The Town Board may require, as appropriate, engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary.

Section 450 Acceptance of Site Plan Review Application

The Town Board shall determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

Section 460 Referral to Other Agencies and Boards

- a. **Coordinated Review.** The Town Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the State Department of Environmental Conservation, and the State or County Department of Health.

- b. **County Planning Board Review.** The Town Board shall provide notice of all site plan review matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the County Planning Board as required by law. Any site plan that falls within 500 feet of the boundary of the town; a State/County park or recreation area; a State/County highway; a State/County owned drainage channel; and State/County land where a public building or institution is located; or requires an agricultural data statement shall be referred to the Lewis County Planning Board for their recommendations thereon. The notice shall be accompanied by a full statement of the matter under consideration.

Section 470 SEQR Compliance

The Town Board shall be responsible for compliance with the State Environmental Quality Review (SEQR) Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6NYCRR, 617 with regard to site plan approval and issuance of special use permits. The applicant shall demonstrate compliance for any other actions subject to SEQR prior to site plan approval.

Section 480 Public Hearing on Site Plan

The Town Board may conduct a public hearing on the site plan. If the Town Board decides to hold a public hearing, such hearing shall be held within sixty-two (62) days of submission of the complete site plan review application. A notice of such hearing shall be advertised in a newspaper in general circulation in the town at least five (5) days prior, and mailed to the applicant ten (10) days prior to the hearing.

A public hearing shall be held in any one of the following circumstances:

- 1) The use requires a special use permit according to Section 240 of this law.
- 2) The use is a Type I SEQR action and the use is determined by the Town Board to have environmental significance;
- 3) The use includes over 20,000 square feet of gross floor area;
- 4) The use is over 60 feet in height;
- 5) The use is determined by the Town Board to be of a publicly controversial nature.
- 6) The applicant has requested a public hearing.

Section 490 Town Board Action on Site Plan

Following conclusion of the SEQR review process, and within sixty-two (62) days of its receipt and acceptance of the complete application for site plan approval, or, if a public hearing is held, within sixty-two (62) days after the close of the hearing, the Town Board shall render its decision to either approve, approve with modifications, or disapprove the site plan.

- a. **Approval.** Upon approval with or without modifications of the site plan, and payment by the applicant of all fees and reimbursable costs due to the town, the Town Board shall endorse its approval with or without modifications, on a copy of the site plan review and zoning permit. The decision of the Town Board shall be filed in the office of the Town Clerk within five (5)

business days after the day such decision is rendered. A copy of such decision shall be mailed to the applicant, along with a written statement of approval with or without modifications.

- b. Disapproval. Upon disapproval of the site plan, the decision of the Town Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered. A copy of such decision shall be mailed to the applicant along with a letter stating the Town Board's reasons for disapproval.

Section 495 Extension of Time to Render Decision

The time period in which the Town Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Town Board.

ARTICLE V. SPECIAL USE PERMITS

Section 510 Authority

The Town Board shall review and approve, approve with modifications or disapprove special use permits pursuant to Town Law § 274-b and in accordance with the standards and procedures set forth in this law.

Section 520 Applicability

All uses designated as requiring a special use permit shall have a special use permit and a site plan approved by the Town Board prior to the issuance of a zoning permit by the Town Board or enforcement officer.

Section 530 Considerations

- a. In considering and acting on special use permits, the Town Board shall consider the public health, safety, welfare and comfort and convenience of the public in general, the residents of proposed developments and the residents of the immediate surrounding area.
- b. The Town Board may disapprove the issuance of a special use permit or prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
 - 1) **Compatibility:** that the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the Master/Comprehensive plan for the community.
 - 2) **Utilities and services:** that the utilities and services for the proposed use, including water supply, sewage disposal, drainage facilities and road facilities, and any other utilities and services are adequate for the intended level of use.
 - 3) **Other requirements:** that the proposed use complies with all requirements for special permitted uses as specified in Article VI of this law and any other special requirements as may be set forth for the use in this law.
 - 4) **Natural features:** that the proposed use, is compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the greatest extent possible.

Section 540 Application and Review Procedure

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Article IV of this law.

ARTICLE VI. SPECIAL USE PERMIT ADDITIONAL REQUIREMENTS

Section 605 General Requirements

The following uses shall meet the requirements as specified in this Article and all other relevant articles of this law before final consideration by the Town Board. Any pre-established special use permit requirements may be waived by the Town Board, where the requirements are found not to be requisite in the interest of the public health safety, or general welfare or inappropriate to a particular special use.

Section 610 Telecommunication Towers

- a. The applicant shall provide documentation on the proposed intent and capacity of use, as well as justification for the height of any tower or antenna(e) and justification for any land or vegetation clearing required.
- b. The applicant shall provide a complete Visual Environmental Assessment Form (Visual EAF) and a landscaping plan which incorporates the standards of this law with particular attention given to visibility from key view points within and outside of the Town as identified in the (Visual EAF).
- c. **Shared Use** (i) At all times, shared use of existing towers shall be preferred to the construction of new towers. Where shared use is unavailable, location of antenna on pre-existing structures shall be the next alternative considered. An applicant shall be required to present a report inventorying existing towers within the Town and within one (1) mile of the Town regardless of ownership. The applicant shall outline opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. By way of illustration, existing structures, as referred to in these regulations governing the siting of telecommunication towers and antennas, shall include but not be limited to signs, church spires, belfries, cupolas, domes, monuments, water towers, preexisting tower structures, windmills, chimneys, smokestacks, buildings, utility towers, clock towers, silos, barns or other agricultural buildings, steeples, radio or television towers and commercial parking lot light poles.
(ii) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use.
(iii) In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers. Written requests and responses for shared use shall be provided. The applicant shall also document capacity for co-location (use) by at least three (3) providers who may share use of the proposed tower in the future. The applicant shall provide cost and criteria under which co-location will be permitted. The tower shall also be designed to allow free access and use by emergency management agencies and organizations designated by the Town.
- d. **Dimension Requirements** - Towers and antennae shall comply with all yard and lot dimension requirements as required by the Town Board. Towers shall not be located closer than 200 feet to the nearest residential property line. In all other cases, towers shall be set back from adjoining properties a distance equal to at least the height of such tower. Additional yard dimensions may be required by the Town Board to substantially contain on-site, all ice-fall, or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Yard dimension requirements shall apply to all tower parts including guy wire anchors, and to any accessory facilities.

- e. **Visibility** (i) All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
- ii) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish, painted gray or painted a natural color above the surrounding tree line unless other standards are required by the FAA. Whenever feasible, tower construction shall be of "monopole" design. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Painting shall be preferable to lighting. If lighting is required, the lighting alternatives and design shall be of the minimum mandated by the FAA.
- (iii) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- f. **Existing Vegetation** - Existing on-site vegetation shall be preserved to the maximum extent possible, maintained and replaced as needed, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be subject to Town Board approval.
- g. **Screening** - Deciduous or evergreen tree plantings shall be required to screen portions of the tower from nearby residential property, as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees forming a continuous hedge at least three feet in height shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm. Fencing may be required by the Town Board for screening and/or security purposes.
- h. **Access and Parking** - A road and parking for two vehicles shall be provided to assure adequate emergency and service access. Road construction shall be consistent with standards for private roads. Road construction shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of the travel surface. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this subsection.
- i. **Signs** - Signs shall not be permitted on commercial mobile service towers, antennas or related accessory facilities except signs displaying owner contact information and safety instructions. Such signs shall not exceed five (5) square feet in surface area.
- j. **Utility Connections** - All utility connections to commercial mobile service facilities shall be installed beneath the ground surface.
- k. The operator of any telecommunication tower facility sited within the Town of Diana shall submit certification every five years from the date of operation, signed by a New York State licensed professional engineer verifying that such facility is in compliance with all applicable federal, state, and local radio frequency radiation (rfr) emission standards. Such certification shall be delivered to the Town Clerk during the month of December of the appropriate year. This requirement shall be considered an implied condition to any special permit and/or use variance granted for such facilities.

1. **Tower Inspections** - Towers shall be inspected every five years from the date of operation, on behalf of the tower owner by a licensed professional engineer, for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Town Clerk no later than December 31 of the appropriate year. This requirement shall be considered an implied condition to any special permit and/or use variance granted for such facility.
- m. **Maintenance and Repair** - All telecommunication towers and facilities shall be maintained in good order and repair.
- n. **Removal of Unused Towers, Demolition Bond** - An applicant for a Special Permit to construct a communications tower shall agree to remove such tower and related facilities if it becomes obsolete or ceases to be used for its intended purpose for a period of twelve consecutive (12) months. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Town Board shall require the applicant to provide a demolition bond or other security acceptable to the Town, for the purpose of removing such facilities in case the applicant fails to do so.
- o. **Additional Submission Requirements** -
 - (i) A report from a licensed professional engineer which describes the tower, including its height and design, demonstrates the tower's compliance with applicable structural standards and describes the tower's capacity, including the number and types of antennas it can accommodate.
 - (ii) The site plan shall show distances between the proposed tower structure and structures on adjoining properties within one thousand (1,000) feet, together with the names and addresses of all property owners within one thousand (1,000) feet of the boundary of the property on which the tower is proposed.
 - (iii) A drawing of the proposed tower, including any proposed attachments, accessory equipment, cabinets or other items used in connection therewith. The make and model of the planned facility and the manufacturer's design data pertaining to installation shall also be provided.
 - (iv) The applicant's maintenance and inspection schedule.
 - (v) Identification of the effects such facility will have on other existing communication facilities in the vicinity. A safety analysis and certification by a licensed professional engineer that the proposed facility will be in compliance with all applicable FAA and FCC laws and regulations.

ARTICLE VII. DESIGN STANDARDS

Section 710 Lot Development Criteria

An application for site plan review shall not be approved unless the proposed use meets the following minimum development standards. Such standards may be waived, modified, and/or additional conditions imposed by the Town Board on a case-by-case basis, where circumstances warrant, to protect the health, safety, and general welfare of the public.

a. Sewer, Water, and Public Facilities

Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, NYS Sanitary Code, and subject to any other town requirements.

b. Access/Traffic Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority, e.g. county, or town highway departments. In addition, the following access requirements shall apply:

- 1) Private roads and driveways shall be constructed and maintained so as to provide for year-round access except when proposed for seasonal uses.
- 2) Private roads and driveways shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include commercially applied "oil and stone", compact gravel, or blacktop.
- 3) There shall be a minimum distance of thirty-five (35) feet between proposed and existing driveways on public roads.
- 4) Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
- 5) No driveway centerline shall intersect a street line less than seventy (70) feet from the intersection of any two (2) roadways.
- 6) Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- 7) The minimum maintained width of driveways shall be twenty-four (24) feet which allows for incoming and outgoing vehicles to pass one another safely.
- 8) The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
- 9) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Town Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

c. Parking/Loading Standards

The following off-street loading standards may be required by the Town Board in appropriate circumstances:

- 1) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
- 2) Adequate off-street parking must be provided. Commercial/industrial uses shall have one (1) parking space per 1,000 square feet of gross floor area, or one (1) space per three (3) employees, whichever will require a larger number of spaces.
- 3) Minimum dimensions of parking spaces shall be eight (8) feet by eighteen (18) feet. Car loading spaces shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least fifteen (15) feet in width and at least sixty (60) feet in length, exclusive of access and turning areas.
- 4) Curbing may be required along frontage to delineate access points.
- 5) Where possible, parking/loading areas should be located to the sides or rear of the industry.
- 6) Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

d. Landscaping and Screening

Landscaping and screening shall be provided as follows:

- 1) Existing vegetation shall be used to the greatest extent possible.
- 2) Along a property line facing a residential property, a twenty (20) feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial/industrial, or campground use from view.
- 3) Along road frontage, a twenty (20) feet wide buffer of landscaping shall be provided where appropriate, and designed so as not to obstruct sight distance at points of access.
- 4) Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Town Board, may be substituted for the required planting.
- 5) Where the existing topography and/or landscaping provides adequate screening, the Town Board may modify the planting and/or buffer area requirements.

e. Lighting

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.

- 1) The style of light and light standard should be consistent with the architectural style of the principal building.
- 2) The maximum height of free standing lights should be the same as the principal building but not exceeding twenty-five (25) feet.
- 3) Where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
- 4) Spotlight-type fixtures attached to buildings should be avoided.
- 5) Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.

f. Signs

One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs should conform to the following standards:

- 1) Maximum height for a free-standing entrance sign, from base elevation, shall be no greater than thirty-two (32) feet.
- 2) Maximum area of one side or face of a sign shall not exceed forty (40) square feet.
- 3) Maximum area of a one side or face affixed to a building shall be no greater than forty-eight (48) square feet.

g. Drainage

- 1) To the extent practicable, all development shall conform to the natural contours of the land, and pre-existing manmade drainage ways shall remain undisturbed.
- 2) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - a. The retention results from a natural wetland on site, or a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.
- 3) Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.
- 4) Construction specifications for drainage swales, and storm drainage shall be designed to town requirements as follows:
 - a. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible. All drainage facilities shall be designed for a 20-year storm, minimum. The Town Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.

- b. **Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.**
- 5) **All developments shall be constructed and maintained so that adjacent properties are not impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties, or unreasonably collects and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.**

h. Erosion Control

- 1) **An Erosion Control Plan must be submitted and approved when an activity involves one of the following:**
- a. **Disturbs five (5) acres or more of land.**
 - b. **Is to be conducted on a site which has a slope anywhere on the site that averages fifteen (15) percent or more over a horizontal distance of at least one hundred (100) feet.**
 - c. **The activity will occur within 500 feet of a stream, river or lake.**

For purposes of this section, disturbed land shall mean any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin. This section shall not be construed to include the normal disturbance of the soil and its natural cover occurring in the ordinary course of agricultural use.

- 2) **All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff, and retain sedimentation within the development site as early as possible following disturbances.**

ARTICLE VIII. GUARANTEE OF SITE IMPROVEMENTS

Section 810 General

Subsequent to the granting of site plan approval or a special use permit, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed. The Town Board shall have sole discretion under what conditions, and whether, a performance guarantee shall be required.

Section 820 Performance Guarantee Options

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Town Board may require that the applicant enter into one of the following agreements with the town.

- a. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans.
- b. Deposit certified check in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.
- c. Provide the town with a letter of credit that is of sufficient amount to cover up to one hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

Section 830 Conditions

- a. Any such bond, certified check, or letter(s) of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and/or surety, and duly notarized.

Section 840 Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the site plan. Road improvements shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Town Board grant him or her an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The Town Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 850 Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

ARTICLE IX. ADMINISTRATION/ENFORCEMENT

Section 910 Site Plan Compliance

No zoning permit, special use permit or certificate of occupancy shall be issued by the Town Board, except upon authorization and determination of the Town Board that construction is in conformity with an approved site plan.

Section 915 Enforcement Officer

- a. **The Town Board may appoint an Enforcement Officer to carry out the duties assigned by this local law. If appointed, the Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Town Board and other officials and agencies, as appropriate.**
- b. **The Enforcement Officer's authorities shall include:**
 - 1) **Issue zoning permits and certificates of occupancy.**
 - 2) **Refer appropriate matters to the Zoning Board of Appeals, or Town Board.**
 - 3) **Revoke permits and certificates of occupancy where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application.**
 - 4) **Issue stop work orders and appearance tickets and refer violations.**

Section 920 Permit Expiration

A zoning permit issued under this law shall expire five (5) years from the date of issue if construction is not substantially started. Such permits may be renewed on a yearly basis.

Section 925 Existing Uses and Structures

Any use that would otherwise be subject to this law, which has been discontinued for a period of five (5) years or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has been substantially constructed prior to the effective date of this law.

Section 930 Temporary Permits

Temporary permits may be issued upon approval by the Town Board (as meeting the intent and purpose of this law) for a period not exceeding one (1) year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any equipment upon expiration of the temporary permit or to bring the use into compliance by a specified time. Such permits may be renewed upon approval of the Town Board.

Section 935 Amendments

The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing pursuant to applicable requirements of the State of New York.

Section 940 Further Rules and Regulations

The Town Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

Section 945 Violations and Penalties

- a. Whenever a violation of this law occurs, the Town Board or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Town Board who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Town Board shall issue a Violation Notice and/or Stop Work Order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the town shall take action to compel compliance.
- b. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Town Board is hereby authorized to issue an appearance ticket to any person, firm, or corporation causing a violation of this law, and shall cause such person, firm, or corporation to appear before the Town Justice.
- c. Pursuant to Town Law Section 268, and as amended, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation.

A violation of this law shall be punishable by a fine not exceeding three hundred-fifty dollars, 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 three hundred-fifty dollars, nor more than seven hundred dollars, 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 seven hundred dollars, nor more than one thousand dollars, or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- d. The Town Board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 950 Appeals

- a. Creation, Appointment, and Organization: A Zoning Board of Appeals is hereby created. Said Board shall consist of three (3) members. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Town Law, and appoint a Chairman. The Board of Appeals shall select the Secretary and Vice-Chairman, and shall prescribe rules for the conduct of its affairs.

- b. **Powers and Duties:** The Board of Appeals shall have all the power and duties prescribed by Section 267 and 267-b as amended of the Town Law, and in particular the following:
- 1) **Interpretation:** Upon appeal, from a decision, by an administrative official or citizen to decide any question involving the interpretation of any provision of this law.
- c. **Procedure:** The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public and records thereof shall be filed with the Town Clerk.

Section 955 Waivers

The Town Board may waive, subject to appropriate conditions, the provisions of any or all standards and/or requirements herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents. Under no circumstances may the Town Board waive statutory requirements or procedures including, but not limited to, those related to permits required, public hearings, SEQR, County Planning Board review, etc.

Section 960 Severability

The provisions of this local law are severable. If any article, section, paragraph, or provision of this local law shall be ruled invalid, such invalidity shall apply only to the article, section, paragraph, or provision(s) as judged invalid, and the rest of this local law shall remain valid and effective.

Section 965 Effective Date

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

ARTICLE X. DEFINITIONS

Access - entranceway for vehicles to leave or enter a property or lot from a public road or private road.

Accessory Structure - a subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such structure shall be considered part of the main structure. This shall include but not be limited to garages, storage sheds, satellite dishes, or similar structures.

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

Agricultural Use - a use which is directly related to the raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticultural and fruit operations, riding and boarding stables, and the like, or other commonly accepted agricultural operations, and as an accessory use the sale of agricultural or forest products raised on the property.

Antenna - any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant - the person(s), which except where otherwise provided herein, shall be the lot owner or his designated representative.

Buffer Area - an undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

Building - a structure designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure".

Building, Principal - the building on a lot that houses the primary use on a parcel of land.

Campgrounds - land on which are located five (5) or more cabins, tent sites, campsites, shelters, or other accommodations suitable for seasonal or temporary living purposes, for rent, lease, or for the purpose of financial gain by the owner excluding mobile homes, and travel trailers subject to the Town of Diana mobile home and travel trailer ordinance.

Commercial Use - This shall include but not be limited to the following; all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm machinery, and other large items stored outdoors for retail sales; agricultural uses; business or institutions providing overnight accommodations; institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, laundromats, restaurants, retail gasoline outlets, animal hospitals, airports, essential facilities, slaughterhouses, motor vehicle repair/paint shops, campgrounds, and warehouses.

Composting Facility - a solid waste management facility used to provide aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

Construction and Demolition Debris - solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; such as wood (including painted, treated and coated wood and wood products), wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles and other roof coverings, asphaltic pavement, glass, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

Construction and Demolition Debris Processing Facility - a processing facility that receives and processes construction and demolition debris by any means excluding land filling or incineration.

Drainage - a system of swales, ditches and culverts, catchbasins, and piping to convey storm water runoff to retention areas and stabilized discharge points.

Driveway - the established or traveled way leading to a particular building from the margin of a public or private road.

Dwelling - building or part thereof used as living quarters for one family. The terms "dwelling", "one family dwelling", "two family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home or similar activity.

Enforcement Officer - an individual designated by resolution of the Town Board to assume, undertake, and exercise the duties and responsibilities reposed with that office by the provisions of this law.

Erosion Control - use of reseeded, revegetation, placement of mulch, or artificial matting or rip rap, or other methods to prevent soil erosion.

Essential Facilities - the operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers; electrical or gas substations; water treatment; water, gas, and electric storage and transmission facilities and lines; pumping stations; power generation facilities; and similar facilities, operated or maintained by municipal agencies or public/private utilities.

Grading - the leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

Gross Floor Area - the total interior floor area of a building, multiplied by the number of floors.

Home Occupation - a commercial or industrial use conducted on the property within a dwelling, mobile home, or accessory structure in accordance with the provisions of Section 310 of this law.

Incinerator - an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

Industrial Use, Heavy - any facility or site which manufactures, assembles, fabricates, stores processes or packages products from raw materials or component parts which may result in the generation of hazardous waste or pollutants regulated by State and Federal Laws or Regulations in an amount considered significant by the Town Board.

Industrial Use, Light - a facility or site which manufactures, assembles, fabricates, stores, processes or packages a product for wholesale or retail sale, from raw materials or component parts, which does not result in production of significant hazardous waste or pollutants regulated by New York State or Federal Laws or Regulations.

Junk Vehicles, Junkyards, Junkyard Items - are as defined by County of Lewis Junkyard Law, Local Law No. 5 of 1987, as amended, and are incorporated in this Local Law by this reference.

Land Application Facility - a site where septage, food processing waste, sewage sludge or other similar organic waste material is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or provide plant nutrients.

Land Clearing Debris - vegetative matter, soil and rock resulting from activities such as land clearing and grubbing, utility line maintenance or seasonal or storm-related cleanup such as trees, stumps, brush and leaves and including wood chips generated from these materials. *Land clearing debris* does not include yard waste which has been collected at the curbside.

Land Filling - the use of uncontaminated land clearing debris, bricks, concrete, other masonry material, soil and rock for grading and fill to establish level ground surfaces.

Landfill - land or a facility or part of one where solid waste or its residue after treatment is intentionally placed, and at which solid waste will remain after closure, excluding a land application facility, and injection wells.

Lot - a parcel of land whose boundaries are established by deed or survey, and entirely owned by the same person or persons.

Mobile Home - a residential or commercial structure or vehicle originally designed, built, constructed or manufactured to be conveyed upon highways or streets, whether the same is situated or located upon wheels, jacks, foundations (temporary or permanent), slabs or otherwise, and/or whether or not added to or made a part of another building or structure. A sectional prefabricated modular dwelling shall not be considered a mobile home.

Mobile Home Park - any parcel of land which has been planned or improved for the placement of mobile homes for non-transient use, and consisting of three (3) or more mobile home sites.

Mobile Home Site - a parcel of land in a mobile home park which is equipped with the necessary utilities and improvements for the placement thereon of a single mobile home.

Parking Space - an area reserved for the parking of a motor vehicle.

Person - any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

Power Generation Facility-facilities at which wind energy, fossil fuels, water energy or other energy source is converted to another form of energy, such as thermal, electrical, or mechanical, protected from dissipation and distributed to a user or users. Facilities designed for on-site use shall be considered accessory structures to the principle use, and subject to the same review or approval requirements for the principle use, either exempt, requiring site review or special use permit.

Private Road - a deeded, established or proposed route, other than a public road, which affords vehicular access to multiple lots.

Public Road - an established route for vehicular traffic which, under applicable law, constitutes a municipal, state, or federal highway.

Recyclable - solid waste that exhibits the potential to be used repeatedly.

Recycling Facility - a solid waste processing facility, other than collection and transfer vehicles, at which non-putrescible recyclables are separated from the solid waste stream or at which previously separated non-putrescible recyclables are processed.

Regulated Medical Waste - regulated medical waste defined in 6NYCRR Part 360 Solid Waste Management Facilities Title 6 of The Official Compilation of Codes, Rules and Regulations, effective November 26, 1996, and as amended.

Road Right-of-Way - the extreme margins of potential development of a road, as determined by deed, dedication, or other public record. In the absence of a definitive public record, a road's margins shall be deemed to be 25 feet from its centerline.

Runoff - surface water that flows onto, within, and/or off of the site area.

Screening - vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses.

SEQR Review (State Environmental Quality Review) - review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113).

Sign - a name, identification, description, display, or illustration, or any other visual display, which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, industry, or business.

Sign, Free Standing - a sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Site Plan - maps, drawings, supportive data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

Solid Waste - all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard, or rejection, including but not limited to garbage, refuse, industrial commercial and medical waste, sludges from air or water control facilities and paper mills, rubbish, ashes, incinerator residue, demolition and construction debris, and offal but not including sewage, septage and other diluted water carried materials or substances and those in gaseous form.

Solid Waste Management Facility - any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities; construction and demolition debris processing facilities; land

application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and re-refining facilities; recyclables handling and recovery facilities; waste tire storage facilities and regulated medical waste processing facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Special Use Permit - a permit for a use which must be approved by the Town Board granting permission to issue a zoning permit.

Structure - anything constructed or built; or building of any kind, which requires location on the ground, or is attached to something having a location on the ground, including but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

Telecommunication Tower - a structure on which transmitting and/or receiving antennae are located.

Transfer Station - a solid waste management facility other than a recycling facility, used oil collection center, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for further processing, treating, transfer or disposal.

Travel Trailer - a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, or vacation uses. Its body design shall not exceed eight (8) feet in width or, when attached to its carrier vehicle, the combination shall not exceed fifty-five (55) feet in length.

Travel Trailer Park - a parcel of land which has been planned or improved for the placement of travel trailers, consisting of three (3) or more travel trailer sites.

Travel Trailer Site - a parcel of land within a travel trailer park which has been equipped with the necessary utilities and improvements for the temporary placement thereon of a single travel trailer.

Use, Principal - the specific purpose for which land or a building is designed, arranged, or intended, or for which it is principally utilized.

Use, Temporary - an activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

Used Oil Collection Center - any site or facility that accepts, aggregates and/or stores used oil collected from commercial, service or retail establishments and do-it-yourself oil changers, who bring used oil to the collection center in shipments of no more than 55 gallons.

Waste Tire - any tire that is no longer being used for its intended purpose. This shall include tire casings separated for retreading and tires with sufficient tread for resale except when stored indoors at a bona fide commercial establishment.

Waste Tire Storage Facility - a site on which 1,000 or more waste tires are stored, placed, piled, or otherwise located except when used as part of an agricultural operation.

Water, Groundwater - the water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

Water, Surface - water contained in streams, rivers, ponds, wet areas, lakes and other water bodies and watercourses, or that drains across land.

Wetlands - any lands or water that are defined as wetlands according to the NYS Freshwater Wetlands Act, Section 24-0107(1), and are mapped pursuant to 6NYCRR 664, and filed with the State, County, or Town Clerk.

Zoning Permit - a permit issued under this law by the Town Board or enforcement officer, allowing the alteration, or construction of any building or structure which requires site plan review.

None
ZoneAdopted 12-10-02LAW

**** MEMO *****

TO: Lewis County Planning Board

FROM: Janet Taylor, Town Clerk

SUBJECT: Adoption of "Town of Diana Zoning Law Local Law No. 3 2002"

DATE: 2002

Be advised that the Town of Diana Town Board adopted a local law entitled "Town of Diana Zoning Law Local Law No. 3 -2002", on 12/10 2002.

If you have any questions, please contact me.

RECEIVED

DEC 19 2002

PLANNING BOARD