Town of Greenville, NY
Zoning Law

ADOPTED SEPTEMBER 21, 2015

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ARTICLE I: TITLE AND PURPOSE

A. Title

This Local Law shall be known and may be cited as "The Zoning Law of the Town of Greenville, New York".

B. Enacting Clause

The Town Board of the Town of Greenville in the County of Greene, pursuant to New York State Town Law, hereby ordains, enacts and publishes this Local Law.

C. Purpose

This Law enables Greenville to protect the diverse character of the Town while also giving landowners a range of options and choices for the use, development, and conservation of their land. It is designed to strike a balance between achieving the community's vision and goals as expressed in the Town's Comprehensive Plan and protecting the property interests of landowners, providing a development approval process that is predictable, efficient and fair.

The Town of Greenville is committed to establishing high standards that preserve existing property values and attract high quality investment. At the same time it recognizes that the current development economy is especially difficult for small and locally-owned businesses as well as young families and homeowners seeking affordable housing who it welcomes to the community. Rather than abandon community standards, the Town has provided for flexibility in the application of this law. The Town has made the Comprehensive Plan available both on its website and at the Town Clerk's Office.

D. Application of Regulations

1. No structure shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No structure shall hereafter be erected or altered to accommodate or house a greater number of families or have narrower or smaller rear yards, front yards, or side yards than is herein required for the district in which such a structure is located.

3. No structure shall hereafter be erected or altered to exceed the heights required for the district in which such structure is located.

4. No part of a yard or other open space setback around any one structure that is required under the provisions of this Local Law may be included as part of the yard or other open space setback required for a different structure.

5. No land shall hereafter be used or occupied unless in conformity with the regulations herein specified for the district in which it is located.

E. Other Laws, Ordinances and Regulations of the Town of Greenville

This Local Law is not intended to replace any other Laws, Ordinances and Regulations of the Town of Greenville, except the Zoning Law of 2001 (Local Law # of 2001), which is hereby repealed. All applicants are hereby advised that compliance with all other regulations is required.

ARTICLE II: ESTABLISHMENT OF DISTRICTS

A. Establishment of Zoning Districts

The Town of Greenville is hereby divided into the following zoning districts:

1. Rural Residential/Open Space (RR): The purpose of this district is to address areas which have soil conditions which generally are not conducive to intense development. They are located in the more rural areas of the Town and development which has already occurred here has taken place on large lots providing a low intensity of development. While the principal type of development should be residential, agriculture should continue in most areas and open space types of commercial uses are allowed if properly located and designed.

2. Low Density Residential (LR): The purpose of this district is to accommodate growth emanating out from the hamlets. Most of these areas have developable soils, and are located in proximity to established hamlets.

3. Hamlet (H): The purpose of this district is to ensure that future development is sensitive to the residential atmosphere, historic character and scale of the existing hamlets. Since the nineteenth century, these areas have been a mixture of businesses and residences.

4. General Commercial (GC): The purpose of this district is to maintain commercial uses that are compatible with the surrounding Hamlet and Low Density Residential districts. These areas reflect past trends toward commercial growth.

5. Highway Commercial (HC): The purpose of this district is to encourage highway oriented commercial uses along the heavily traveled principal routes in Town.

B. Planned Development Districts (PDDs)

1. Two types of Planned Development Districts are hereby established which may be considered by the Town of Greenville. The purpose of a Planned Development District (PDD) is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage compatibility with the goals and objectives of the Comprehensive Plan.

2. The two (2) types of Planned Development Districts that may be developed utilizing the process provided in Article IV: Planned Development Districts are:

    a. Residential Mixed-Use Planned Development District

    b. Golf Course/Resort Community Planned Development District

C. Zoning Map

The areas and boundaries of such districts are hereby established to scale as shown on the map entitled "Town of Greenville Zoning Map," adopted and certified by the Town Clerk and herein referred to as the "Zoning Map." This Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this Law.

D. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes, or other bodies of water shall be construed to follow such center lines.

2. Boundaries indicated as approximately following town limits shall be construed as following such town limits.

3. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

4. In other circumstances not covered by the rules above, the Zoning Board of Appeals shall interpret the district boundaries.

ARTICLE III: DISTRICT REGULATIONS

A. Purpose

For each district established in Article II, the following uses (Schedule A) and dimensional standards (Schedule B) shall apply.

B. Use Regulations

No structure or land shall be used except as provided below and in the Schedule A: Use Regulations. See Article XV for definitions of each use category. It is the intent of this chapter to group similar or compatible land uses into a specific zoning district, either as Permitted Uses or as uses authorized by a Special Use Permit.

1. Permitted Uses by Right (P): All uses listed shall be permitted by right in the zoning district where the use is listed, provided that all other requirements of this Law are met. All permitted uses are indicated in Schedule A below with a "P".

2. Permitted Uses with a Special Use Permit (SP): All uses permitted in the zoning district upon issuance of a Special Use Permit by the Planning Board. All Special Use Permit uses are indicated in Schedule A below with a "SP".

3. Not Permitted Uses: Any use that is not permitted by right or with a Special Use Permit in the zoning district where the use is listed. All Not Permitted uses are indicated in Schedule A below with "NP".

4. Unlisted Uses: Any use not listed in Schedule A below is initially deemed not permitted unless such principal or accessory uses are expressly permitted elsewhere by this Law, the use is classified as a "materially similar use" (see below), or a use variance is granted in accordance with the provisions of this Law.

    a. Materially Similar Uses: Since it is impossible to list all different uses that may be proposed in the Town of Greenville the Planning Board will use generic categories on Schedule A to interpret whether an unlisted use, that is not otherwise prohibited by law, is materially similar and can reasonably fit into a use category where similar uses are described. Should the Planning Board determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Planning Board's decision shall be recorded in writing. Should the Planning Board determine that a materially similar use does not exist, permitting the use shall require a zoning amendment as prescribed in Article XIV, Miscellaneous, to establish a specific listing for the use in question. In each and every instance where a use is determined in writing by the Planning Board to be materially similar to a permitted use, The Planning Board shall immediately apprise the Town Board and Zoning Board of Appeals of that determination so that a record of recommended future amendments to this law can be maintained. Should the Planning Board determine that a materially similar use does not exist, permitting the use shall require a zoning amendment as prescribed in Article XIV, Miscellaneous.

C. Dimensional Standards

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height for each district are specified below in Schedule B: Dimensional Standards and are supplemented by the regulations of other sections of this Law.

Schedule A – Principal Use Regulations

P = Permitted As of Right SP = Requires a Special Use Permit NP = Not Permitted

Principal Uses	Zoning Districts					
	H	**LR**	**RR**	**GC**	**HC**	
Agriculture/Animal						
Agriculture	SP	P	P	P	P	
Animal Shelter	SP	SP	SP	P	P	
Greenhouses and nurseries	SP	SP	P	P	P	
Kennels	NP	NP	SP	SP	SP	
Riding academies	NP	SP	P	P	P	
Stables, Commercial	NP	SP	P	P	P	
Veterinarian Offices/Animal Hospital	SP	SP	SP	P	P	
Commercial						
Accessory uses, except drive-throughs	P	P	P	P	P	
Accessory uses, drive-throughs	SP	SP	SP	P	P	
Adult uses	NP	NP	NP	SP	NP	
Artist Studio	P	P	P	P	P	
Automobile sales and service	NP	SP	SP	P	P	
Automobile repair services	SP	SP	SP	SP	P	
Banks	P	P	P	P	P	
Bars, night club or cocktail lounge	NP	NP	NP	P	P	
Car wash	NP	SP	NP	P	P	
Bowling Alley	NP	P	P	P	P	
Dry cleaning, retail	NP	NP	NP	P	P	
Equipment rental or sales yards	NP	SP	SP	P	P	
Funeral homes	P	P	P	P	P	
Gasoline stations with or without convenience stores	SP	NP	NP	P	P	
General & professional offices	SP	SP	SP	P	P	
Laundromat	SP	SP	NP	P	P	
Outdoor dining	SP	SP	SP	P	P	
Restaurants, excluding drive-through facilities	P	SP	SP	P	P	
Retail establishments	P	SP	SP	P	P	
Service establishment, personal	P	SP	SP	P	P	
Shopping centers	NP	NP	NP	P	P	
Self Storage Facilities	NP	NP	SP	P	P	
Storage facilities	NP	NP	SP	P	P	
Tattoo Parlor	SP	SP	SP	P	P	

Schedule A – Principal Use Regulations

P = Permitted As of Right SP = Requires a Special Use Permit NP = Not Permitted

Principal Uses	Zoning Districts					
	H	**LR**	**RR**	**GC**	**HC**	
Theater, drive-in	NP	NP	NP	P	P	
Community Facilities						
Cemeteries	SP	SP	P	SP	SP	
Clubs, membership	SP	SP	SP	P	P	
Community centers	SP	SP	SP	P	P	
Cultural facilities	P	P	P	P	P	
Daycare, children, family, group family and adult	P	P	P	P	P	
Emergency Services/Firehouse/Ambulance	P	P	P	P	P	
Entertainment and commercial recreation uses, excluding motorized vehicle race tracks or recreational courses	NP	SP	SP	P	P	
Governmental offices	P	P	P	P	P	
Hospitals	SP	SP	SP	P	P	
Motorized vehicle race tracks or courses	NP	NP	NP	NP	NP	
Parks and open space	P	P	P	P	P	
Religious institutions	P	SP	SP	P	P	
Schools, public and private	P	P	P	P	P	
Theaters or concert halls	P	P	SP	P	P	
Industry						
Junkyard	NP	NP	NP	NP	NP	
Light industry	SP	SP	SP	P	P	
Lumberyard	NP	NP	SP	P	P	
Mine	NP	NP	SP	P	P	
Research and development facilities	SP	SP	SP	P	P	
Warehousing/Distribution	NP	NP	SP	P	P	
Wholesale businesses and services	NP	NP	SP	P	P	
Residential						
Dwellings, single family	P	P	P	P	P	
Dwellings, single family attached (townhouse)	P	SP	SP	SP	P	
Dwellings, two family (twin or duplex)	P	P	P	P	P	
Dwellings, multiple family	P	SP	SP	SP	P	
Home Occupations	P	P	P	P	P	
Manufactured homes	NP	SP	P	P	P	
Manufactured home parks	NP	SP	SP	P	P	

Schedule A – Principal Use Regulations

P = Permitted As of Right SP = Requires a Special Use Permit NP = Not Permitted

	Zoning Districts					
Principal Uses	**H**	**LR**	**RR**	**GC**	**HC**	
Nursing or convalescent homes	SP	SP	SP	P	P	
Tourism/Golf/Resort Related						
Bed and breakfast	P	SP	P	P	P	
Camps	NP	SP	P	P	P	
Golf courses and country clubs	NP	P	P	P	P	
Hotels, inns	P	SP	P	P	P	
Motels	SP	SP	SP	P	P	
Resorts	SP	SP	SP	P	P	
Recreation vehicle parks/Campgrounds	NP	SP	SP	SP	P	
Utilities						
Amateur radio towers over 100 feet	SP	SP	SP	SP	SP	
Internet service provider	SP	SP	SP	P	P	
Landfills	NP	NP	NP	NP	NP	
Public utilities	SP	SP	SP	P	P	
Telecommunications towers	NP	SP	SP	P	P	
Wind energy facilities, Commercial (wind farm)	NP	NP	NP	NP	NP	
Wind energy facilities, Single Commercial	NP	NP	SP	NP	NP	
Wind energy system, Small	SP	P	P	P	P	
Telecommunications towers	NP	SP	SP	SP	SP	

Schedule B - Town of Greenville Dimensional Standards						
				Minimum Setbacks		
Zoning Districts	**Minimum Lot Size**	**Minimum Lot Width**	**Maximum Height of Structure**	**Front Yard[1]**	**Side Yard**	**Rear Yard**
Hamlet (H)	0.5 acre with sewer and water; 1 acre without both sewer and water	75 Feet	35 Feet	0-25 Feet; or the average of the front yard setbacks on the block on the same side of the street	0 Feet or the average setback of abutting structures on both sides	25 Feet
Low-Density Residential (LR)	2 acres	150 Feet	35 Feet	35 Feet	25 Feet	25 Feet
Rural Residential/Open Space (RR)	5 acres	150 Feet	35 Feet	50 Feet	50 Feet	75 Feet
General Commercial (GC)	0.5 acre	75 Feet	35 Feet	35 Feet	10 Feet	25 Feet
Highway Commercial (HC)	1 acres	100 Feet	35 Feet	35 Feet	15 Feet	25 Feet
Planned Development Districts	See Article IV					

Note [1]: On corner lots, each side which abuts a street shall be deemed a front yard, and the required yard along each street shall be the required front yard subject to the front yard setbacks. The property owner shall decide, when applying for a building permit, which of the remaining yards shall be the required side yard and required rear yard.

D. Accessory Structures and Uses

Accessory structures and uses, as defined herein, are permitted in any zoning district in connection with any principal uses lawfully existing within such district.

1. Permitted as of right - Accessory Structures and Uses

   Accessory Structures and uses include, but are not limited to the following list of examples:

   a. Garages

   b. Storage and Garden Sheds

   c. Tennis/Basketball Courts

   d. Swimming Pools

   e. Small Wind Energy System

2. Special Use Permit - Accessory Structures and Uses

   The following accessory structures and uses are permitted by special use permit:

   a. Drive through window facilities pursuant to Article VIII, Subsection (E).

3. Bulk and Location Requirements

   a. Accessory structures unattached to principal buildings shall be located no closer to the principal building, than 12 feet.

   b. Any detached accessory structure is permitted within a required rear or side yard of Schedule B.

   c. Setbacks must conform to the requirements of Schedule B except as provided in subsection b above.

ARTICLE IV: PLANNED DEVELOPMENT DISTRICTS

A. Purposes and Objectives

The purpose of Planned Development Districts (PDD) is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage compatibility with the goals and objectives of the Comprehensive Plan. The town of Greenville has designated two types of appropriate PDDs: Residential Mixed-Use and Golf Course/Resort Community.

To realize these purposes, a PDD shall achieve the following objectives:

1. Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.

2. Choice in housing environment and type, occupancy tenure, lot sizes and common facilities.

3. More usable open space and recreation areas and, if permitted as part of a project, more convenience in location of accessory commercial and service uses.

4. A development pattern which preserves the Town's rural character, outstanding natural topography and geologic features, scenic vistas, trees, and prevents the disruption of natural drainage patterns.

5. An efficient use of land resulting in smaller networks of utilities and streets.

6. A development pattern in harmony with the land use intensity, transportation, and community facility objectives included in the Comprehensive Plan.

B. Residential-Mixed Use Planned Development District

1. Purpose and Objectives

   It is the intent of the residential-mixed use PDD to encourage innovations in residential and nonresidential development so that varying demands may be met by greater flexibility in siting, design and type of structures; and encourage the maximum reasonable conservation and the most efficient possible use of land. This PDD allows for flexible use and design regulations so areas may be developed, incorporating a variety of uses, containing both individual building sites and common property, which are planned and developed as a unit.

2. Location

   The Residential-Mixed Use PDD is allowed only in Hamlet, Low Density Residential, General Commercial and Highway Commercial Districts.

3. Permitted Uses

   Permitted uses in the Residential-Mixed Use PDD include:

Residential-Mixed Use PDD	
Permitted Uses	**Permitting Requirements** P = Permitted as of Right
Open Space, Parks and Recreation, Private and Public, Indoor and Outdoor	P
Single Family Dwellings, attached and detached	P
Two-Family Dwellings	P
Multiple Family Dwellings	P
Community Facilities	P
Membership Clubs	P
Service Establishments that benefit the residential community of the PDD	P
Professional Offices that benefit the residential community of the PDD	P

4. Permitted Accessory Uses

Customary accessory or associated uses such as private garages, storage spaces, recreational and community activity centers may be permitted.

C. Golf Course/Resort Community PDD

1. Purposes and Objectives.

The purpose of this Golf Course/Resort Community PDD is to permit residential development as an integral part of golf course and/or resort development; to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage compatibility with the goals and objectives of the Comprehensive Plan.

2. Location

The Golf Course/Resort Community PDD may be located in any zoning district.

3. Permitted Uses

Uses permitted in the Golf Course/Resort Community PDD shall conform to the uses permitted in the preexisting zoning district where the PDD will be located. In addition, the following uses are permitted:

Golf Course/Resort Community PDD	
Permitted Uses	**Permitting Requirements** P = Permitted as of Right SP = Permitted with a Special Use Permit
Accessory uses, except drive-throughs	P
Amateur radio towers over 100 feet	SP
Artist Studio	P
Bars, night club or cocktail lounge	P
Bed and breakfast	P
Clubs, Membership	P
Cultural facilities	P
Dwellings, single family	P
Dwellings, single family attached (townhouse)	P
Dwellings, multiple family	P
Entertainment and commercial recreation uses	P
Golf courses and country clubs	P
Hotel, inns	P
Laundromat	P
Motels	P
Outdoor dining	P
Parks and open space	P
Resorts	P
Recreation vehicle parks	SP
Restaurants	P
Retail establishments	P
Telecommunications towers	SP
Wind energy facilities, single commercial	SP

D. General Requirements

1. Minimum Area

   The minimum area for a PDD shall be 10 contiguous acres of land.

2. Ownership

   The project land may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership may be a public or private corporation. The approved project plan shall be binding on the project land and owner(s). Only the owner or an agent designated in writing shall be allowed to file an application for a PDD.

3. Land Use Density Consideration

   In keeping with the intent of this Article, land use intensity shall be an average density of .5 acre per use.

4. Height

   No structure in a PDD shall exceed thirty 35 feet in height except an amateur radio tower or a tower under the jurisdiction of the Telecommunications Tower Law.

5. Sewer and Water Facilities

Every PDD must be served by public or private communal sewer with a sewage treatment plant and water system that have been approved by the NYS Department of Health and the NYS Department of Environmental Conservation and have been properly shown to meet every requirement of the Town of Greenville and the County of Greene. Sewage treatment must be provided by a governmental agency, a municipality or a sewage disposal corporation formed and regulated pursuant to Article l0 of the NYS Transportation Corporation Law in addition to the Town Sewer Law.

6. Common Property and Open Space

Common property in a PDD is a portion of the land in the PDD, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites.

a. Common property shall comprise a minimum of 30% of any PDD. Such common property shall be either public or private.

b. In cases of common property maintained privately, such lands shall be covenanted, to the satisfaction of the Town Board, to ensure that such areas shall not be utilized for future building sites.

c. In the computation and determination of common property areas lands shall be of such location and configuration that they shall adequately serve and be accessible to all building sites within the PDD and comprise land that are suitable for open space use. Parking areas, roads, house sites, other impervious surfaces, and their improvements shall not be included in the calculation to determine the amount of available open space. However, the entire tract, apart from these exceptions shall be considered in determining the required amount of open space. The following facilities or improvements may be located on open space land: common septic systems, water systems, stormwater systems, bike paths, walking trails, and other common community facilities that do not involve buildings, such as tennis courts, swimming pools, and playgrounds.

d. The proposed development design shall strictly minimize disturbance of environmentally sensitive areas. The Planning Board shall encourage areas of open space to be connected, where appropriate. Where important open space areas exist contiguous to the subject parcel, every effort shall be made to locate the on-site protected open space adjacent to these open space areas.

7. Design Standards:

All design standards related to supplemental regulations, design standards, and landscaping and buffering found elsewhere in this law shall apply to Planned Development Districts in addition to those listed below.

a. Building Design Standards

Buildings shall be designed in such a way that they are an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated development.

b. Landscaping Design Standards

The entire development shall have a coordinated landscape design. Existing trees greater than four (4) inches in diameter, measured at Diameter Breast Height (4.5 feet above the ground) shall be conserved, wherever possible and integrated into the overall landscape design. Landscaping shall include shrubs, ground cover, and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.

c. Circulation Design Standards

Roads, pedestrian walkways and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the existing sidewalk network where applicable.

E. Sketch Plan Application and Review

Whenever any PDD is proposed, before any contract is made for the sale of any part thereof, before any zoning and building permit shall be granted, and before any subdivision plat may be filed in the office of the Greene County Clerk, the prospective developer or his authorized agent shall apply for and secure approval of such PDD in accordance with the following procedures.

1. Application for Sketch Plan Approval

a. In order to allow the Planning Board and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit a sketch plan of his proposal to the Planning Board. The sketch plan shall be approximately to scale and it shall clearly show the following information:

(1) The location of the various uses and their areas in acres;

(2) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private;

(3) Delineation of the various residential areas indicating the number, size and types of dwelling units proposed; and a calculation of the density pursuant to Subsection (D)(3);

(4) The interior open space system;

(5) The overall drainage system;

(6) A topographic map showing contour intervals of at least 10 feet of elevation;

(7) Principal relationships to the community at large with respect to highways, water supply, and sewerage disposal; and

(8) A location map showing uses and ownership of abutting lands.

b. The sketch plan shall be accompanied by the following:

(1) Evidence of how the developer's particular mix of land uses meets existing community demands;

(2) Evidence that the proposal is compatible with the goals of the Town Comprehensive Plan;

(3) A description of how all property will be owned and maintained; and

(4) Evidence of the applicant's ability to carry out the plan both physically and financially.

2. Planning Board Review of the Sketch Plan

The Planning Board shall review the sketch plan and its related documents; and shall render either a favorable report to the Town Board or an unfavorable report to the applicant.

a. Favorable Report

A favorable report shall include a recommendation to the Town Board that a public hearing be held for the purpose of considering PDD Districting. It shall be based upon the following findings, which shall be part of the report:

(1) The proposal conforms to the Comprehensive Plan.

(2) The proposal meets the objectives as expressed in Subsection (A).

(3) The proposal meets the general requirements of Subsection (D).

(4) Adequate sewer and water services are or will be available when the development is completed.

b. Unfavorable Report

An unfavorable report shall state clearly the reasons therefore, and, if appropriate, point out to the applicant what might be necessary in order to receive a favorable report. The applicant may, within 30 days after receiving an unfavorable report, file an application for an appeal to the Town Board.

c. Planning Board Certification

The Chairman of the Planning Board shall certify when all of the necessary application materials has been presented and the Planning Board shall submit its report within 30 days of such certification. If no report has been rendered after 62 days, the applicant may proceed as if a favorable report were given to the Town Board.

F. Procedure for Establishing the PDD Zone

1. Town Board Hearing

Upon receipt of a favorable sketch plan report from the Planning Board, or upon its own determination subsequent to an appeal from an unfavorable report, the Town Board shall set a date for and conduct a public hearing for the purpose of considering PDD Districting for the applicant's plan in accordance with the procedures established under Section 264 and Section 265 of New York State Town Law or other applicable law. Said public hearing must be conducted within 62 days of the receipt of the favorable report or the decision or appeal from an unfavorable report.

2. Town Board Preliminary Approval

If the PDD Districting is acceptable, the Town Board shall issue a preliminary approval to the applicant and shall refer the application to the Planning Board.

3. Referral to Planning Board/Conditions for Final Zoning Approval

   Upon Town Board referral to the Planning Board, the PDD applicant must secure site plan approval in accordance with Article X of this Law. If required, subdivision approval must be obtained in accordance with the Town of Greenville Subdivision Law. In addition the applicant must comply with all additional conditions and requirements as may be set forth by the Town Board in its resolution granting the PDD District and shall so document to the Planning Board. The Planning Board shall certify to the Town Board when all conditions have been met for final zoning approval.

4. Town Board Approval

   Upon certification by the Planning Board that all conditions for final zoning approval have been met, the Town Board shall grant final approval and the Zoning Map shall be so noted. The Town Board may, in order to protect the public health, safety, and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such conditions may include, but are not limited to, the project's visual screening, construction priorities, residential land use mixes, pedestrian and vehicular circulation systems, and protection of natural and/or scenic vistas.

5. Required Timely Commencement of Project.

   The applicant of any project within an area zoned as a PDD shall, commence building and construction within 2 years following final approval of the Planning Board Site Plan approval. In the event construction has not commenced within two (2) years of final approval, the Planned Development approval shall terminate and the project parcel(s) shall revert to the district classification.

ARTICLE V: SUPPLEMENTAL REGULATIONS

A. Fences and Walls

The following standards shall apply to fences, walls and hedges for all uses in all districts except agriculture which shall be exempt.

1. Location

   (a) Fences and freestanding walls shall not be erected in the right-of-way and shall be setback at least 8 feet from the edge of the road or the right-of-way, whichever is greater. Hedges greater than 3 feet in height shall be setback 8 feet from the edge of the road or right of way, whichever is greater.

   (b) No fence, hedge or freestanding wall shall be erected which obstructs vision at any intersection of roads or along any roadway.

   (c) Fences, hedges and freestanding walls shall be set back at least one foot from the property line.

2. Height

   (a) No fence or freestanding wall shall exceed 4 feet in height, as measured from the ground, in any front yard except that fencing for horse paddocks may be 5 feet in height and except that fencing for pools shall be 4 feet 4 inches in height.

   (b) No fence or freestanding wall shall exceed 6 feet in height, as measured from the ground, in any side or rear yard.

3. Materials and Construction

   (a) All fences and freestanding walls shall be so installed so that the finished side shall face the adjoining lot, public right-of-ways and shared private right-of-ways; all bracing shall be on the inside of the fence.

   (b) Barbed wire, chicken wire, pallets, tires, plywood and construction fencing shall not be used as a fencing material or as any part of a fence visible from the public right-of-way except when used for agricultural uses.

   (c) Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.

   (d) Fences, walls or hedges shall be maintained and if necessary, repaired or replaced.

B. Freshwater Wetland and Floodplain Permit Requirements

Before any zoning permit is issued for property that is noted as a Freshwater Wetland on any NYS Freshwater Wetland Map or is noted as a Flood plain on any National Flood Insurance Program Map, the applicant must certify or otherwise prove that all of the requirements of the NYS Freshwater Wetlands Law and the Town of Greenville Floodplain Law have been met.

C. Height Regulations

The provisions of this Local Law shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary height regulations.

1. Height Exceptions

   Schedule B establishes the maximum height of structures. The height limitations shall not apply to telecommunication towers, wind energy facilities, church spires, belfries, cupolas, domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.

2. Agricultural Buildings

   Silos and agricultural buildings are exempt from the height limitations provided that such buildings above 35 feet in height are at least twice the distance from any residence as the height of the building.

D. Parking Regulations

1. Number of Parking Spaces Required

   a. Where practicable, off-street parking spaces shall be provided in all districts in accordance with the specifications in this section whenever any new use is established or existing use is enlarged. The minimum number of off-street parking spaces required shall be calculated using the standards outlined in Schedule C.

Schedule C - Minimum Parking Space Requirements	
Residential Uses	
Multi-family Dwellings including Apartments and condominiums	1 ½ space per dwelling unit
Home occupations	1 for each employee
Commercial Uses	
Agriculture	1 per employee
Gasoline Stations	5 parking spaces
Motels, hotels, resorts, and beds and breakfast	1 space for each unit
Offices and banks	1 per 250 square feet of gross space and 1 space for every 4 employees
Restaurants and eating establishments	1 space for every 4 seats and 1 space for every 2 employees
Retail stores, shops and services	1 space for every 250 sq. ft. of floor area and 1 space for every 4 employees
Industrial Uses	
Industrial	1 space for each 2 employees, based on the highest expected average employee occupancy
Places of Assembly	
Religious Institutions	1 for every 4 seats
Theaters	1 for every 4 seats
Institutional Uses	
Schools and Child Care Facilities	1 space for each employee
Nursing Care/Assisted Living Facilities	1 space for every 2 beds

b. For a use not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board.

2. Shared Use Parking

a. Shared parking of areas with multiple uses is encouraged. In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit reduction of this requirement.

b. Up to 50% of the parking spaces required for places of public assembly with peak attendance on Sundays and/or evenings may be assigned to a use, or uses, which will be closed on Sundays and/or evenings, as applicable.

c. An agreement establishing joint use of a parking area, approved by the Planning Board, shall be recorded with the Town Clerk. Such agreements shall be recorded on the deed for all properties with joint use of parking areas and require Planning Board approval for any change or termination.

3. Design Standards for Off-Street Parking Spaces

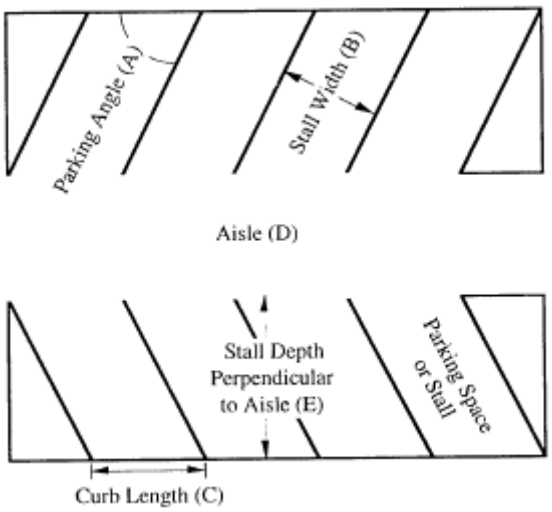
a. Each parking space shall comply in size and dimension with the following standards:

Minimum Parking Space and Aisle Dimensions

Parking Angle (A)	**Stall Width (B)**	**Curb Length (C)**	**Aisle Width (1 Way) (D)**	**Aisle Width (2 Way) (D)**	**Stall Depth (E)**
0 (Parallel)	9’0”	24’0”	12’0”	24’0”	9’0”
30	9’0”	18’0”	12’0”	24’0”	17’0”
45	9’0”	12’0”	12’0”	24’0”	17’0”
60	9’0”	10’0”	21’0”	26’0”	20’0”
90	9’0”	9’0”	26’0”	26’0”	20’0”

Definitions for letters in parenthesis appear in the figure below.

Dimensions of parking spaces for the disabled are regulated by Section 1106 of the Uniform Fire Prevention and Building Code of New York State.



b. Handicap accessible parking shall be provided in accordance with Section 1106 of the Uniform Fire Prevention and Building Code of New York State.

4. Required Off-Street Loading Berths. Off-street loading for all commercial and industrial uses shall be accommodated as deemed necessary by the Planning Board during site plan review. Such off-street loading shall be conveniently located for bulk pick-ups and deliveries and accommodate delivery vehicles.

5. Landscaping shall be in accordance with Article VII, Landscaping and Buffering.

E. Performance Standards

Uses are not permitted which exceed New York State regulations or any of the following standards measured at the individual property line:

1. Emit any noxious gases or smoke which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
2. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.
3. Cause a fire, explosion or safety hazard.
4. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water.

F. Projections into Yards

The following architectural features of a building may be located within any required setbacks, subject to the limitations provided below:

1. Ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than 3 feet into any required yard
2. Chimneys or pilasters

3. Open arbor or trellis

4. Patios and terraces

5. Decks shall not project more than 8 feet into any required yard

6. Awning and canopies

7. An open fire escape may extend not more than 4 feet into any required yard

G. Required Setbacks Along Stream

No structure shall be constructed within 100 feet of the center line of Catskill Creek, Basic Creek and Greenville Creek. On lots where structures exist at the time of the enactment of this Local Law, this setback requirement is reduced to 25 feet of the center line of Catskill Creek, Basic Creek and Greenville Creek. Greenville Creek is defined as that tributary of Basic Creek that originates in a wetland on the east side of NYS Route 32 just south of Westerlo/Greenville Town line, flows south through the Greenville hamlet, forming the pond at the intersection of NYS Routes 32 and 8l, flows to the west of the water body known as Lake Barbara and joins the Basic Creek just north of County Route 35.

H. Sewer and Water Systems Requirements

Where required, developments that must be served by public or private communal sewer with a sewage treatment plant and water system shall be approved by the NYS Department of Health and the NYS Department of Environmental Conservation and shall meet every requirement of the Town of Greenville and the County of Greene. Sewage treatment must be provided by a governmental agency, a municipality or a sewage disposal corporation formed and regulated pursuant to Article l0 of the NYS Transportation Corporation Law.

I. Sign Regulations

1. Purpose

   The purpose of this section is to provide standards to safeguard life, health, property and public welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of Greenville. It is the further purpose of this section to control the quality and quantity of signs so as to enhance the identification of the various business and professional enterprises in the Town and improve the visual quality of the community.

2. Definitions

   ABANDONED SIGN: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises which such sign is displayed.

   ADVERTISING SIGN: An off-premise sign that advertises or otherwise directs attention to a commodity, business, industry, home occupation, activity or event which is sold, offered, or conducted elsewhere than on the lot upon which the sign is located, e.g. billboard.

   AWNING (CANOPY) SIGN: A sign painted on, printed on, or attached flat, against the surface of an awning made of canvas or fabric or similar material, which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a

mechanism for raising and holding an awning in a retracted position against the building. An awning sign shall only display the business name and graphic logo.

DIRECTIONAL SIGN: A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

ELECTRONIC MESSAGE BOARD: An electronic sign or display which uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes for the purpose of conveying a variety of messages and/or advertisements by means of moving text or image.

EXTERNALLY LIT SIGN: Any sign deriving its illumination from an external light, shielded so that the point source of light is not visible elsewhere than on the lot where said illumination occurs

FREESTANDING SIGN: A self-supporting sign standing alone on its own foundation.

ILLUMINATED SIGN: Any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.

INTERNALLY LIT SIGN: Any sign deriving its illumination from an internal source, and shall include all plastic signs lighted from behind, as well as all neon signs, and all lighted awnings lighted in a way as to give the awning the appearance of being lighted.

MONUMENT SIGN: A freestanding sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this ordinance.

OFF-SITE SIGN: A sign which is located on a parcel of land other than that parcel where the business, service or event advertised is located.

ON-SITE SIGN: A sign which is located on a parcel of land where the business, service or event advertised is located.

PORTABLE SIGN: A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, or on its own trailer or otherwise. Examples of portable signs include, but are not limited to, sandwich boards, menu boards, attached to A-frames or T-frames, and balloons used as signs.

PROJECTING SIGN: A sign that projects more than 12 inches perpendicular to the buildings face.

ROOF SIGN: A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

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, and shall include any declaration, demonstration, display, representation, illustration or insignia

used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

SIGN HEIGHT: The distance from the highest portion of the sign to the main grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

TEMPORARY SIGN: A sign advertising a particular event and having a duration of not more than 60 days per year.

VEHICULAR SIGN: Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

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.

WINDOW SIGN: A sign mounted or painted on a window, or inside a structure that is intended to be seen through a window from the outside.

3. General Requirements

a. Size and Height of Signs

(1) No sign, except as provided for off-site (billboard) in Subsection 6 of this Section shall exceed 64 square feet in area on each side of the sign, except as provided in Subsection I (6). In the Hamlet and Low Density Residential Districts, signs shall not exceed 32 square feet in area on each side.

(2) No sign shall be erected so that the top of the sign is greater than 12 feet from the ground.

b. Location of Signs

(1) Signs shall not use utility poles or trees, rocks or other natural features as a medium of communication or means of support.

(2) Signs projecting from face of building should be in proportion to the detail of the façade of the building.

(3) No sign shall be located in a public right of way.

(4) No sign shall be so located as to detract from or obstruct public view of historic buildings, scenic views, or any other recognized natural features such as a waterfall, glen, etc.

c. Number of Signs

(1) Each lot may have one freestanding or monument sign and one sign per business affixed to a structure on a single parcel of real property. A freestanding or monument sign may advertise one or more names or interests.

d. Illumination of Signs

(1) Internally lit signs shall be allowed if such signs have an automatic dimming technology and illumination is reduced by at least 50% after 9 P.M and the

illuminated sign has a maximum light level above ambient light level of 0.3 footcandles.

(2) Any lighting device shall employ only lights of a constant intensity, and no signs shall be illuminated by flashing or intermittent or moving light or lights or any mechanical fluttering, moving or revolving device. Exempt from this requirement are signs exhibiting time and temperature information.

e. Sign Structure

(1) Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.

(2) Sign support structure shall be adequate to support the load of the sign of which it is supporting. Upon request of the Code Enforcement Officer, an engineered design, paid for by the sign owner, will be necessary.

f. Changes in Signs (Altered Signs)

In the event that the business or activity that a sign promotes changes, said sign will be considered a new sign and thereafter shall comply with all requirements of this article.

4. Prohibited Signs

a. No sign shall, in its construction, employ any mirror or mirror-like surface, nor any day glowing or other florescent paint or pigment.

b. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or related functions whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.

c. No sign shall be erected or maintained upon the roof of any building or structure.

d. No permanent or temporary sign shall be erected or placed at or near the intersection of any street in such a manner as to cause a traffic hazard at the intersection or at any location where, by reason of the position, shape, color, or illumination of the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

e. No sign shall make use of the words "STOP", "LOOK", "DANGER", "CAUTION" or any other word, phrase, symbol or character which may tend to confuse, mislead or resemble any governmental or duly authorized sign.

5. Exempt Signs

The following signs are exempt from the requirements of this chapter. These signs may be erected and maintained without a permit or fee, provided that such signs comply with the general requirements of this Law.

a. Providing consent of the property owner is obtained:

(1) Christmas and holiday decorations, [flags, banners] etc.

(2) Political posters, banners, and similar signs.

(3) Signs or other promotional devices relating to a special event, festival, or similar activity, including yard or garage sale signs. All such devices in this category shall be removed within seven days after such activity has ended, except for signs required by law or private traffic control.

c. Safety, directional, historical markers or other types of signs erected and maintained by a public agency.

d. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which sign shall not exceed 6 square feet in area.

e. Professional name plates shall not exceed 4 square feet in area.

f. Signs denoting the name and address of the occupants of the premises, which signs shall not exceed 2 square feet in area.

g. Temporary signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed 9 square feet in area.

h. Temporary Portable signs, which shall not exceed 50 square feet and placement does not exceed 90 days.

i. Window signs, as long as they conform to the illumination requirements of Subsection I (3) (d) and do not cover more that 20% of the glass area of the pane to which the sign is affixed or displayed.

j. Gasoline stations signs attached on gasoline pumps, displaying the price of fuel not exceeding 2 square feet; however, the total size of price, logo and any other signage on a pump shall not exceed a combined total of 3 square feet.

6. Off-Site Signs (Billboards)

a. Off-site signs are permitted in the Business Development District.

b. Off-site signs shall not exceed 200 square feet or exceed 20 feet in height.

c. No off-site sign hereafter erected or established shall be within 300 feet of any other off-site sign.

7. Condition and Maintenance

Should any sign be or become unsafe, unsightly, damaged, in danger of falling, or is a menace to the public, the property owner and/or owner of the sign thereof or the person maintaining the same, shall upon receipt of written notice from the Code Enforcement Officer proceed at once to put such sign in a safe and secure condition, renovate or remove the sign; provided, however, that if such a situation is not corrected within 90 days from the date of receipt of written notice, the Code Enforcement Officer shall remove the sign, with the costs assessed to the property's town tax bill. The process and

procedure defined in the Unsafe Building Law of the Town of Greenville shall be utilized to obtain legal authorization for such removal.

All renovations to any nonconforming sign shall be undertaken in such a manner so as to cause the sign to conform to this Law.

8. Nonconforming Signs

   a. Signs which fail to conform to these Sign Regulations as of the effective date of this Law are allowed to continue except that no internally lit signs shall exceed 40 foot-candles measured on a vertical plane one foot from the sign. Internally lit signs that exceed 40 foot-candles shall be removed within 5 years of the effective date of this Law.

   b. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. If the sign is taken down at any point, it will need to be replaced with a conforming sign.

9. Sign Permit and Fee

   ~~a.~~ After the effective date of this law and except as otherwise herein provided, no person shall erect any sign without first obtaining a sign permit therefore from the Code Enforcement Officer. Permit fees shall be paid upon filing an application for a permit to erect a sign. For a list of permit fees, refer to the Fee Schedule.

   b. In the event the erector of the sign is not the owner thereof, written consent of the owner of the building, structure or land to which or on which a sign is to be erected, is required.

   c. Upon the filing of an application for a permit to erect a sign, it shall be the duty of the Code Enforcement Officer to examine such plans, specifications and other data submitted with the application, and, if necessary the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with the general requirements a permit will be issued for the erection of the proposed sign.

   d. Each sign requires a separate permit. In cases where more than one sign is attached to the same support, each requires a separate permit and the sum total area of all individual signs shall not exceed the requirement in Subsection 3(a) of these regulations.

10. Abandoned Signs

    Any sign for a business or activity which is no longer in operation for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The sign shall be removed after written notice by the Code Enforcement Officer, to the owner of the property on which the sign is affixed and/or the owner of the sign. In the event such sign is not voluntarily removed, subsequent costs of removal by the Town will be assessed against the property owner's tax bill. The process and procedure defined in the Unsafe Building Law of the Town of Greenville shall be utilized to obtain legal authorization for such removal.

11. Enforcement

The Town of Greenville Code Enforcement Officer or their duly appointed assistants of the Town of Greenville are authorized and empowered to enforce the requirements of this Article.

J. Visibility at Intersections

No sign shall be erected which obstructs vision at any intersection of roads or along any roadway.

ARTICLE VI: DESIGN GUIDELINES AND STANDARDS

A. Nonresidential and Multi-Family Building Design Standards

1. Purpose

   These design standards are intended to ensure that new buildings, additions and alterations are consistent with the Town of Greenville's vision as described in the Town's Comprehensive Plan and its rural and historic character.

2. Applicability

   The building design standards apply to all new construction, additions and alterations except that single family dwellings, two-family dwellings and agricultural uses shall be exempt.

3. Definitions

   ADDITION: New construction added to an existing building or structure.

   ALTERATION: Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.

   BELTCOURSE: A molding or projecting row or layer of stones, tile, shingle or brick in a wall running horizontally along the face of a building.

   CORNICE: The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

   FAÇADE: The exterior walls of a building facing a frontage line.

   FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

   GLARE: Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

   LIGHT FIXTURE: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

   LIGHT POLLUTION: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.

   MASSING: The three-dimensional shape of a building(s) height, width, and depth.

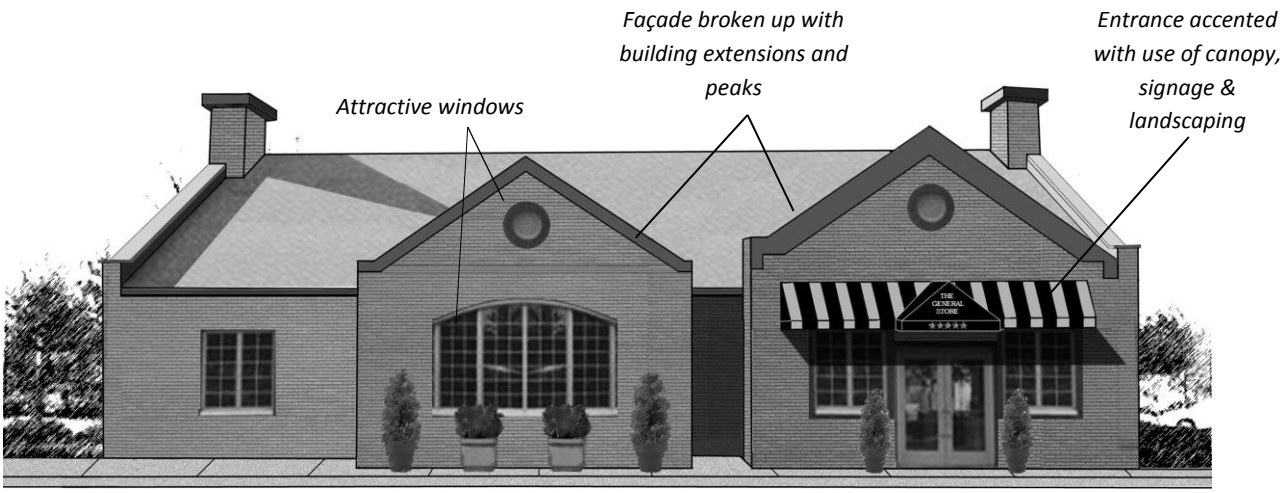
   PLINTH: A projecting base of an external wall, or the base of courses of a building collectively, if so treated as to give the appearance of a platform.

   PORTICO: A covered walk or porch that is supported by columns or pillars; also known as colonnade.

4. General Building Design Standards

   a. New development, additions and alterations shall employ building types and architectural detailing that are compatible with the architecture of the existing community character in their massing and external treatment.

   b. New infill development shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.



   c. For larger structures, the length of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred. Facades may be broken up through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways and other architectural treatments.

5. Building Materials

   a. For any new building, addition or alternation, the use of natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred.

   b. Anodized or galvanized metal is prohibited except when used for roofs, agricultural structures, or additions or alterations to existing structures with anodized or galvanized metal exteriors.

   c. Muted and traditional colors are generally preferred, with contrasting textures and tones used to add interest. Building colors should emphasize earth tones and colors common to traditional/natural building materials. Strong color may be used sparingly as an accent.

6. Building Orientation and Entrances

   a. Buildings shall be parallel to the street frontage property line.

   b. The front façade of buildings shall be oriented towards the public right-of-way with an everyday public entrance in this front façade.



Example of a gas station and convenience store with a consistent architectural style for the building and canopy, gas pumps on the side, parking in the back, sidewalks and landscaping.

c. All primary building entrances shall be accentuated. Accents may include recessed or protruding entrances or the use of canopies, porticos, or overhangs.

d. Where rear parking is provided, the provision of a secondary rear entrance is encouraged.

7. Walls

a. Blank facades with no windows or doorways shall not be permitted along any exterior wall facing a street, parking area, or walking area or other public right-of-way.

b. Walls or portions of walls, where windows are not provided, shall have architectural treatments that are similar to the front façade including materials, colors and details. Examples of architectural treatments include but are not limited to: masonry (but not flat concrete block), concrete or masonry plinth at the base of the wall, belt courses of a different texture or color, projecting cornices, projecting canopies, decorative tilework, medallions, translucent glass, vertical/horizontal articulation, lighting fixtures.

8. Windows

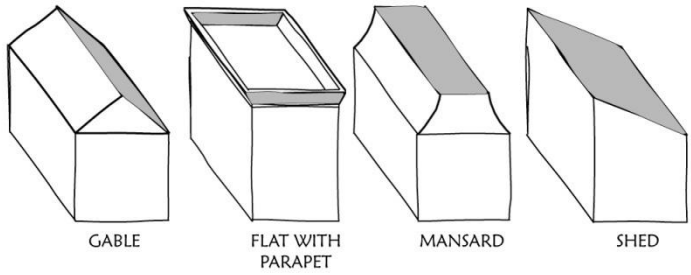
a When necessary repair or replacement of windows is required, it is encouraged that replacement windows shall match the original window in style, configurations and size.

b. Smoked, reflective, or black glass in windows when facing the right-of-way shall be discouraged. Energy efficiency window filters are allowed.

9. Roofs

a. Roofs shall be proportional to the rest of the building and for infill development, should be in keeping with the character of adjacent buildings. Hip or gable roofs are preferred. Flat roofs are discouraged but when used shall have a parapet. False mansard-style roofs shall not be used.

b. Structures with sloping roofs shall take measures to ensure that the fall of snow, ice, or rain does not create a hazard for pedestrians. Sloping roof structures can employ the use of dormers and gables to give the facade a more visual prominence.



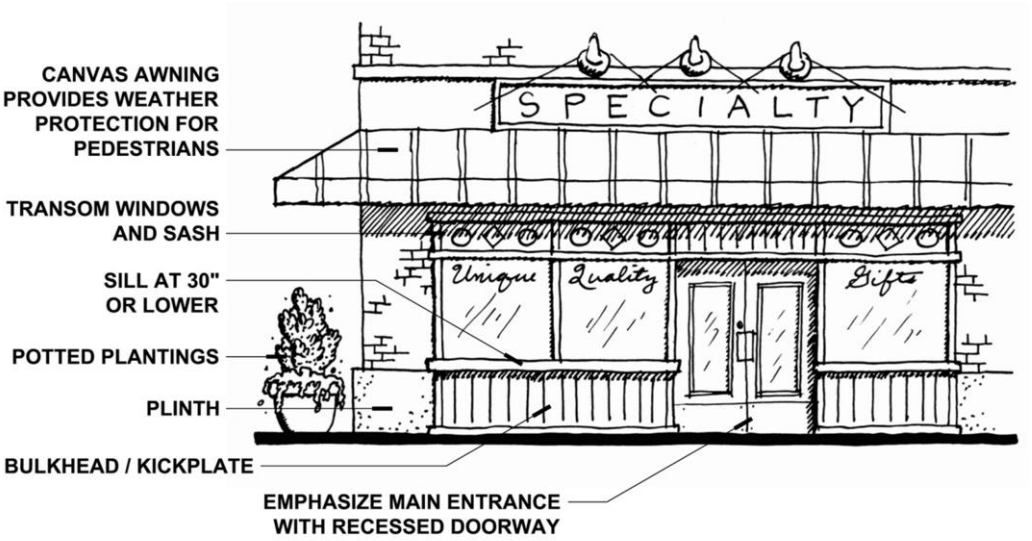
Examples of roof types.

10. Storefronts

a. Storefront design should be in keeping with the overall building design. Storefront elements such as windows, entrances and signage provide clarity and lend interest to facades. It is important that the distinction between individual storefronts, the entire building facade, and adjacent properties be maintained by architectural treatment and materials selection.

b. Storefront windows and doors shall be consistent to create a cohesive appearance.

c. Clear, colorless glass without tinting is preferred for all display windows. Stained glass, colored or translucent glass should be used only for design accents.



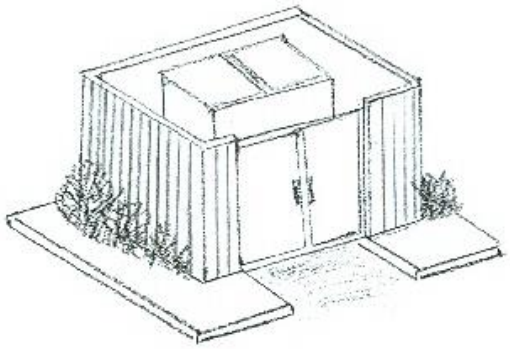
Example of a preferred storefront.

B. Accessory Refuse Storage Areas

1. The storage of refuse for nonresidential uses shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be sited in the following manner:

    a. Refuse areas including all dumpsters and garbage cans shall be located behind the principal building, at least 10 feet from the property line.

    b. Refuse areas shall be entirely screened by a fence or enclosure of at least 6 feet high on all 4 sides. Enclosures must remain locked, closed and maintained in proper working order.



Example of an enclosed refuse area.

C. Outdoor Lighting

1. Purpose

    The purpose of this section is to require and set minimum standards for outdoor lighting that:

    a. permit reasonable uses of outdoor lighting for safety, security, and visibility for pedestrians and motorists;

    b. minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary; and

    c. conserves energy and resources to the greatest extent possible.

2. Exempt Lighting

    The following types of lighting are exempt from the standards of this section.

    a. Emergency lighting or temporary construction lighting, as may be required by a public agency.

    b. Holiday lighting

    c. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.

    d. Low voltage landscape lighting, however, such lighting should be shielded in such a way as to eliminate glare and light trespass.

e. Exit signs, lighting of stairs and ramps and other illumination required by the Uniform Fire Prevention and Building Code.

f. Sports fields lighting, however, glare and light trespass shall be minimized and sensible curfews utilized.

3. Prohibited Lighting

   a. Blinking and flashing lights

4. General Requirements

   a. The number of light fixtures and the intensity of lighting shall be appropriate to illuminate the location for safety, without glare to adjoining properties.

   b. All lighting installation shall be designed and installed to be fully shielded (full cutoff), except as in exceptions above, and shall meet the exterior lighting standards of the current Energy Conservation Construction Code of New York State.

   c. Installation of supply wires for lighting shall be placed underground.

   d. Automobile-oriented uses such as gasoline stations, service stations and drive through facilities shall install recessed ceiling fixtures in any canopy.

   e. Maximum Height

      (1) Lighting attached to residential structures should not exceed the height of the eave.

      (2) The total height of exterior lighting fixtures, including the base, shall be a maximum of 20 feet and 14 feet for pedestrian walkways and parking lots adjacent to residential uses.



Decorative lighting is preferred.

5. Design

   a. Exterior lighting shall enhance the building design and adjoining landscape.

   b. Decorative style lighting is preferred. In the Hamlets of Greenville and Freehold, new lighting should be consistent with the existing style of lighting.

ARTICLE VII: ADDITIONAL REGULATIONS RELATING TO SPECIFIC USES

A. Purpose

The regulations related to specific uses must be satisfied prior to the issuance of a special use permit, site plan approval or building permit.

B. Accessory Apartments and ECHO Housing Units

1. Purpose

   The purpose of these regulations is to provide for accessory apartments and ECHO Housing Units to be located in the Town of Greenville.

1. Definition:

   Accessory Apartment: An accessory apartment is a habitable living unit added to, created within, or located in a structure detached from a single-family dwelling and subordinate to it, that provides basic requirements for living, sleeping, eating, cooking, and sanitation. The purpose of allowing accessory units is to help families to meet the needs of immediate family members, especially seniors, the handicapped or developmentally disabled to live safely and affordably.

   Elder Cottages Housing Unit (ECHO): An ECHO unit is a specially constructed, HUD certified accessory dwelling unit less than 1000 square feet used for the temporary accommodation of elderly or disabled occupants.

2. Location:

   The installation of an accessory apartment in new or existing single-family dwellings (hereinafter principal units) shall be allowed in all zones subject to specific development, design, and owner-occupancy standards. The same provisions shall apply to the location of an ECHO unit on the property associated with the principal unit.

3. Relationship to Principal Structure:

   Only one accessory apartment or ECHO Unit, but not both, may be created per residence. The accessory apartment may be attached to, or detached from, the principal unit. An accessory apartment may be developed in either an existing or a new residence.

4. Site Requirements:

   The accessory apartment and ECHO Unit shall comply with all front, side and rear yard setback requirements for a principal dwelling within the zoning district. The apartment unit or ECHO Unit shall additionally be located no closer to any front property line than the principal dwelling on the lot.

5. Occupancy Requirements:

   Occupancy of the accessory apartment or ECHO unit is limited to family members related by blood, marriage, or adoption, or persons providing nursing or domiciliary care or assistance to the owner in exchange for lodging. The property owner, which shall include title holders and contract purchasers, must occupy the principal unit as their permanent

residence, for at least eight months out of the year, and at no time receive rent for the owner-occupied unit. 'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

6. Size:

   The accessory apartment or ECHO unit shall be at least 300 square feet and not more than 700 square feet, excluding any related garage area, and may not have more than 2 bedrooms. The Accessory apartment or ECHO unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

7. Design:

   The Accessory apartment or ECHO unit shall be designed so that it is consistent in style, scale and materials with the appearance of the principal unit. The primary entrance to the accessory apartment or ECHO unit shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

8. Utilities:

   An Accessory Apartment of ECHO unit must be connected to the utilities and infrastructure (except telephone and television) of the principal dwelling unit and may not have separate services.

9. Parking:

   One off-street parking space, in addition to that which is required by the underlying zone, shall be provided. The Code Enforcement Officer may waive the requirement for the space if topography or existing structures makes provision of the parking spaces unduly burdensome and adequate parking capacity exists.

10. Accommodation for the Disabled:

    In order to encourage the development of accessory apartments and ECHO units for disabled and handicapped individuals, and persons with limited mobility, the Code Enforcement Officer may allow reasonable deviation from the prescribed conditions where necessary to install features that facilitate access and mobility of disabled persons.

11. Grandfathering: Units created prior to the date of adoption of this law shall be registered with the Code Enforcement Officer for inclusion into the Certificate of Occupancy program. In addition to the standard requirements for a Certificate of Occupancy the owner of the principal unit shall provide evidence of the date of establishment of the unit, evidence of the use for the six-month period prior to the application for registration.

12. Application for a building permit for an accessory apartment of an ECHO Unit shall be made to the Code Enforcement Officer in accordance with the standard building permit process, and shall also include:

    a. A letter of application from the owner(s) stating that the owner(s) shall occupy the primary dwelling unit on the premises for eight months out of each year, except for bona fide temporary absences.

b. Proof that the registration form or other forms as required by the Code Enforcement Officer shall be filed as a deed restriction with the Greene County Clerk to indicate the presence of the accessory apartment, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

c. Certification by the Greene County Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the Code Enforcement Officer.

13. Sale of Principal Residence:

Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the Accessory apartment of ECHO Unit.

14. Additional Regulation of ECHO Units:

ECHO units must be properly removed from the premises and the site restored to lawn area within 6 months of the discontinuance of its use as an ECHO unit.

C. Adult Uses

1. Adult entertainment shall be permitted subject to the conditions contained herein, but may not be located in the Hamlet or Low Density Residential Districts. No adult entertainment use shall be permitted except upon the issuance of a special use permit by the Planning Board including any conditions as said Board may determine are appropriate in connection therewith.

2. Application for a special use permit under this Article shall comply with and be governed by the requirements of Schedule A of this Law.

3. Standards for Special Use Permit.

The following standards shall control the location and operation of adult entertainment uses:

a. No more than one adult entertainment use shall be permitted on any lot, and no such use shall be permitted within 750 feet of any other such use.

b. No adult entertainment shall be permitted in any building used in whole or in part for residential purposes including temporary accommodation of any type.

c. No adult entertainment use shall be permitted on any lot that is located within 750 feet of any lot used for residential purposes or any lot in a residential district despite its current use.

d. No adult entertainment use shall be permitted on any lot that is located within 750 feet of any lot on which is located a school, place of worship, cemetery, medical office, counseling or psychiatric treatment facility, community center, day care center, public park, playing field, bike path, or other area in which large numbers of minors regularly congregate.

e. No adult entertainment use shall be permitted within 750 feet of any established or regularly used school bus stop.

f. Adult entertainment uses shall comply with all other requirements of this Law, as well as all other applicable Town, County, State and Federal Laws and regulations.

g. All building openings, including doorways, windows, etc., shall be located, covered, or screened in such manner as to prevent any view into the adult entertainment use from any public street, sidewalk, or parking area.

h. As a condition to the issuance of a special use permit for any such adult entertainment use, there shall be a restriction that no person under the age of 18 years shall be permitted into or on the premises at any time and for any reason.

i. As further condition of the approval of any adult entertainment use, there shall be no outdoor display or advertising of any kind, other than one business identification sign complying with all signage requirements set forth in the this law. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to any sexual act or any part of the anatomy from any public way or from any other property. This provision shall apply to any display, decoration, sign, show, window or other opening.

j. It shall be unlawful to operate an adult entertainment use between the hours of 11:00 p.m. and 9:00 a.m.

2. The distances provided in Section (1) above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel of property or the land use district boundary line from which the adult use is to be separated.

D. Automotive Repair Service

1. All repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides (not to be construed as meaning that the doors of any repair shop must be kept closed at all times).

2. For all overnight storage parking associated with automobile repair uses, perimeter landscaping shall be provided to screen the parking from the public Right-of-Way and/or neighboring residential uses.

3. The maximum number of parking spaces devoted to overnight storage of vehicles shall be no more than 5 spaces per repair bay. These spaces shall be clearly delineated on all site plan and special permit applications.

E. Car Wash

1. Car washes will comply with all state regulations.

2. No building, parking, or service area shall be closer than 100 feet to any existing residential structure.

3. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board.

4. In addition to meeting any off-street parking requirements of this law, any car wash shall provide a minimum of four stacking spaces per bay on the lot.

5. As part of Site Plan Approval for car washes, evidence of an adequate long-term source of public or private water shall be submitted to show that water usage will not affect surrounding properties.

F. Drive-through Window Facilities

1. Purpose. Due to potential impacts on traffic volume, vehicular and pedestrian circulation and the environment, the following additional standards are required for the permitting of drive-through windows.

2. Site location criteria. The site of the drive-through window shall meet the following criteria:

   a. The use shall not be located within 50 feet of a lot line of a LR or RR zone.

   b. The use will not substantially increase traffic on streets in a LR or RR zone;

   c. The use will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;

   d. The site will be adequate in size and shape to accommodate said use and to accommodate all yards, parking, landscaping, and other required improvements;

   e. The use will not substantially lessen the usability and suitability of an adjacent LR or RR zone for residential use.

3. General design standards. All the following must be provided for the primary use to be granted a building permit for a drive-through window:

   a. Lighting: All lighting on the exterior of the building shall be of an indirect nature, emanating only from fixtures located under canopies or hoods, under eaves of buildings and at ground level in the landscaping. Freestanding pole lights shall not exceed a maximum height of 14 feet and shall be so arranged and shielded that there shall be no glare or reflection onto adjacent properties or public rights-of-way;

   b. Signs should be placed and waiting lanes should be designed so that waiting cars do not block sidewalks or public streets.

   c. Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.

   d. Traffic circulation.

      (1) Sites located adjacent to an alley must incorporate the use of the alley as the drive-through lane entrance unless it can be demonstrated that such a configuration would either hinder pedestrian or vehicular circulation off site.

      (2) Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lines.

      (3) Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 23 feet per vehicle.

(4) The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets, alley or traffic ways serving other on and/or off-site uses.

e. Site plan requirements. In addition to the general requirements for site plan review, drive-through window site plans must also include the following features:

(1) Design and placement of signs to ensure that they facilitate the safe and smooth flow of traffic.

(2) Details of pedestrian and vehicular circulation.

(3) Details of waiting lanes, including location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

G. Gasoline Service Station

1. Gasoline service stations will comply with all state regulations.

2. No building, parking, or service area shall be closer than 100 feet to any existing residential structure.

3. The minimum distance between pump islands and between the building and any pump islands shall be 20 feet.

4. No waste water, oil, toxic or inflammable materials shall pollute, or create hazardous or unsightly conditions.

5. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board.

6. Gasoline service stations will comply with Article VI, Design Standards.

H. Home Occupation

Purpose

The purpose of these regulations is to provide for home occupations to be located in the Town of Greenville

1. Definition

HOME OCCUPATION: An occupation carried on in a dwelling unit or accessory structure by the resident thereof and not more than two non-resident persons; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not alter the exterior of the property structure or affect the residential character of the neighborhood.

2. Compatibility of Use:

Home occupations shall be compatible with the residential use of the property and the neighborhood.

3. Size

The home business shall not utilize more than 15% of the habitable space of the principal dwelling.

4. Compatibility of Design

   No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premise. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

5. Signage

   One sign not exceeding twelve square feet in area shall be permitted.

6. Hours of Operation

   Recommended hours for customer visits are between 8:00 AM and 6:00 PM but may be extended by approval of the planning board.

7. Sharing, Subletting or Renting

   No sharing, renting or subletting of space, for use by others in the conduct of their profession, trade or business is permitted.

8. Environmental Performance

   The home occupation shall produce no noise, vibrations, glare, objectionable fumes or electrical interference detectable to normal sensory perception on adjacent lots.

9. Prohibited Uses

   If a use is not permitted, under Schedule A: Town of Greenville Use Regulations, it shall additionally be prohibited as a home occupation.

I. Kennels

1. The required minimum lot size for all kennels is 5 acres.

2. All kennels with outdoor exercise pens or kennels shall be located no closer than 150 feet to any adjoining property line.

3. Adequate landscaping and/or fencing shall be provided to create a visual, sound, and odor buffer between such facility and adjacent properties.

4. Adequate provision for the storage and removal of all animal wastes shall be made. In particular, no manure storage area shall be located within 300 feet of any residence or street right-of-way.

5. In no event, shall a kennel have more than 30 (thirty) adult dogs on premises at any time.

J. Manufactured Home Requirements

1. Purpose

These standards provide location and development standards for development of manufactured homes within the Town of Greenville. These standards are intended to provide a quality

residential environment for residents occupying individual manufactured homes as well as manufactured homes within manufactured home parks and to ensure compatibility with surrounding residences and buildings.

2. Background

   Manufactured housing is a type of housing unit that is largely assembled in factories and then transported to sites of use. In the United States, the term *manufactured housing* specifically refers to a house built entirely in a protected factory environment under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards 42 U.S.C. § 5402(6). (Commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes manufactured after July 15, 1976 must display a HUD Seal (also known as a HUD Plate, HUD Data Plate or HUD Insignia) to verify their proper construction. Manufactured housing includes housing commonly referred to as mobile homes, trailers, single-wides, double-wides, factory-built homes and prefabricated homes.

   The term Mobile Home describes factory-built homes produced prior to the 1976 HUD Code enactment.

3. Applicability

   a. These standards apply to manufactured homes within the Town of Greenville.

   b. These standards DO NOT APPLY to recreational vehicles or travel trailers or similar structures that are portable vehicles designed to be transported on their own wheels which is designed for temporary living quarters for travel, recreation or vacation purposes.

   c. The standards in this chapter DO NOT APPLY to Elder Cottage Housing Options (ECHO) or Accessory Apartments as described in Section S of this Article.

   d. The standards outlined in this chapter DO NOT APPLY to modular homes. In the Town of Greenville, modular homes are built to NYS Building Code, not the Federal HUD standards described above and are permitted exactly the same way as site built homes. For purpose of clarification, New York State defines modular homes as follows: "A modular home shall be constructed in a minimum of two sections, each of which are transported to the building site separately, with installation of heating system and application of siding coming after the erection of the home, and shall be indistinguishable in appearance from conventionally built homes. Modular homes shall have no permanent support frame (chassis). Modular homes shall bear the New York State Building Code certification as factory-manufactured dwellings. They do not bear a HUD insignia."

   e. These standards DO NOT APPLY to the business of manufactured home sales.

4. Definitions

   These standards apply to all manufactured homes located on an individual building lot or within a manufactured home park.

MANUFACTURED HOMES: Manufactured homes may be single- or multi-section which are built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code.

MANUFACTURED HOME ACCESSORY STRUCTURE: A structure attached to or located adjacent to a manufactured home such as awnings, carport, garages, porches or steps. On-site additions, such as garages, decks and porches, must be built to local, state or regional building codes.

MANUFACTURED HOME PARK is defined as a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME STANDARDS: Manufactured Home Standards are defined as standards for individual manufactured homes or manufactured home parks that address the design of the individual manufactured homes and the overall park design (open space, dimensional and lot requirements, etc.)

MANUFACTURED HOME STAND: An adjustable support stand for permanently supporting a manufactured home above the ground, providing a means for leveling the structure during initial installation and also after the home has become established and for mechanically securing the home to a supporting foundation thereby protecting against tip-over in the event of high winds and/or earth vibrations.

MOBILE HOME: The term "mobile home" is used for factory-built homes produced before June 15, 1976, when the HUD code went into effect.

PERMANENTLY AFFIXED: A manufactured home which has the running gear and towing hitch or similar devices removed and is set up per manufacturer's instructions on a permanent foundation with an anchoring system that is totally concealed under the structure and complies with the Department of Housing and Urban Development standards.

5. Permitting for Individual Manufactured Homes (Outside of Manufactured Home Parks)

   a. Permit required; application.

      No manufactured home in the Town of Greenville shall be located or remodeled until it has applied for and received a building permit, and met the requirements listed below.

   b. Manufactured Home Development Standards

      Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of this chapter. All manufactured homes outside of a manufactured home park shall conform to the following design and development standards:

(1) Location: No manufactured home may be placed on a lot which is occupied by another manufactured or mobile home or a residential, commercial, industrial, or other building with the exception of accessory buildings which are subordinate and incidental to the manufactured home.

(2) Ownership: The person(s) desiring to place a manufactured home within the Town shall own the real property upon which the home is to be placed.

(3) Nonconforming Manufactured Home: Existing manufactured homes in place and lawfully existing outside of a manufactured home park at the time this law is adopted may continue as a legal nonconforming use.

(4) Relocation: Existing manufactured homes that do not otherwise comply with these standards may be relocated to any other parcel in the Town of Greenville only after proper inspection to certify that they meet proper structural and safety standards.

(5) Design: Manufactured homes put in place in the Town of Greenville, whether new, used or refurbished, must comply with the following design and development standards:

(a) Dimensions. The manufactured home must be at least 900 square feet in floor area. Length must not exceed 5 times the width, which may be calculated using the measurements of a carport or an enclosed porch. Width must be at least 14 feet.

(b) Foundation. There must be a continuous, permanent foundation, unpierced except for required ventilation and access installed under the home. The foundation may be concrete or other material allowed by the Uniform Building Code. A foundation is anything a manufactured home rests upon including concrete block, poured concrete slab or other comparable materials. Crushed stone is not an acceptable foundation.

(c) Hauling mechanisms. All mechanisms used to transport the manufactured home to the site including, but not limited to, the wheels, hitch, transporting lights and removable towing apparatus must be removed within 30 days of setup.

(d) Anchoring. All manufactured homes must be mechanically secured to the base.

(6) Enforcement. The Code Enforcement Officer shall enforce all provisions of this local law.

c. Revocation of Permit

(1) If the Town Code Enforcement Officer finds that any manufactured home, located outside of a licensed manufactured home park is not being maintained in accordance with the provisions of these regulations, the Town may serve a written order upon the holder of the permit/owner of the manufactured home directing that the condition or conditions be remedied within thirty days after the date of the service of that order.

(2) If such condition or conditions are not corrected within thirty days the Code Enforcement Officer may revoke such permit.

6. Manufactured Home Parks

a. Standards for manufactured home parks

(1) All manufactured home parks constructed after the adoption of this local law must conform to the following standards:

(a) HUD Code Compliance: All manufactured homes shall bear an "Insignia of Compliance" indicating compliance with the Federal Manufactured Home Construction and Safety Standards and bear a date of manufacture. See 24 Code of Federal Regulations (CFR) 3280.

(b) Minimum Dwelling Unit Size: All manufactured homes shall exceed 900 square feet of gross floor area.

(c) Location: The manufactured home park must be located in areas where grades and soil conditions are suitable for use as a manufactured home park, on a well-drained site which is properly graded to ensure rapid drainage and be free at all times from pools of water.

(d) Accessibility: Each mobile home park will be located so that is it easily accessible from a public highway. Where a mobile home park contains more than 16 lots two points of entry are required. Such exits and entrances will be designed at right angles to the existing public highway or street and be designed in such a way as to provide for safe and convenient movement into and out of the park.

(e) Manufactured Home Park Lots: Each Manufactured Home Park will be marked off into manufactured home park lots. Only one (1) manufactured home may be permitted to occupy one lot in a manufactured home park.

(f) Design Requirements: All manufactured home parks shall be subject to site plan review and require a permit which shall be reviewed annually. Site Plan review shall be conducted as part of the licensing process required in Subsection B below.

(g) Density: Housing density for manufactured home parks shall not exceed four units per acre.

(h) Minimum Site Area: The minimum site area shall be 15 acres for a manufactured home park. Clustering using conservation subdivision approach outlined in the Town of Greenville Subdivision local law may be used to achieve a smaller footprint for the park.

(i) Lot Coverage: The maximum lot coverage of structures in the park shall not exceed 50% of the gross site area.

(j) Common Recreation Area: A minimum of 25% of the site area of the manufactured home park shall be reserved for recreation facilities to be used in common by park residents.

(k) Yard Requirements – Perimeter Lots: The minimum yard requirements for the perimeter of a manufactured home park shall be as follows:

[1] Front Yard: The minimum front yard shall be 30 feet. Each yard abutting a public street shall be considered a front yard.

[2] Other Yards: All other yards shall be a minimum of 25 feet.

(l) Yard Requirements – Interior Lots: The minimum yard and separation requirements for individual manufactured home lots not within the perimeter yards of a manufactured home park shall be as follows:

[1] Front Yard: The minimum front yard for an individual manufactured home lot shall be 20 feet from the edge of the sidewalk closest to the manufactured home.

[2] Structure Separation: The minimum separation between structures shall be fifty 50 feet.

(m) Streets and Sidewalks: All private streets within a manufactured home park shall conform to the Town road standards as outlined in the Town of Greenville Subdivision local law and these additional standards.

[1] Street Construction: All private streets shall have a crowned profile and shall be constructed of asphaltic concrete or Portland cement.

(n) Utilities: All utilities required must meet or exceed the regulations or requirements of the New York State Health and Sanitary Code and any other appropriate Federal, State or Local laws.

[1] Plans: All plans for water, sanitary sewer and storm drainage lines shall be reviewed by the Planning Board and approved if appropriate.

[2] Water: An adequate supply of pure water for drinking and domestic purposes must be supplied by pipes to all manufactured home lots.

[3] Sewer: Each mobile home lot will be provided with a sewer which will be connected to the mobile home to receive from such home all waste water. The sewer must be connected to a public or private sewer system so as not to present a health hazard. Sewer connections to unoccupied lots will be sealed to prevent the emission of any odors and creation of breeding places for insects.

[4] Storm Drainage: All storm water shall be collected on the site in a piped storm drainage system, unless otherwise approved by the Planning Board. Underground service connection shall be made from each manufactured home to the street gutter. Storm water from the manufactured home park shall be piped to a public storm drain line, if available. The owner/developer may be required to construct an off-site storm drainage system acceptable to the Planning Board.

[5] Electricity, Telephone & Television Cable: All electrical, telephone and television cable lines shall be located underground to the greatest extent possible.

[6] Refuse: Large metal or plastic garbage cans with tight fitting lids must be provided in quantities adequate to permit the disposal of garbage and rubbish. The cans must be kept in sanitary condition at all times. The cans must be located no further than 200 yards from a mobile home lot. Garbage and rubbish must be collected and disposed of on a weekly basis.

[7] Parking: Off-street parking spaces shall be required as follows: 2 space per lot or unit whichever is greater. Such spaces will have a minimum width of twelve feet and a minimum length of twenty four feet. In addition, one (1) space shall be provided for each vehicle used in connection with the facility. If no parking is provided on private streets, then 2 spaces must be provided for each 5 dwelling units for guest parking. Allowable on-street parking as described below may be counted as guest parking. All driveways for individual manufactured homes and off-street parking areas shall be paved with asphalt or concrete. No parking shall occur in a perimeter yard. All other parking requirements identified in the Town of Greenville Subdivision local law.

(o) Recreational Vehicles: Storage areas for vehicles, including motor homes, recreation trailers, boats, boat trailers or other similar vehicles or equipment shall not be located within 100 feet of the perimeter lot lines of a manufactured home park site. Recreation vehicle storage areas shall have a 10 foot yard between the storage area and the nearest structure. Said storage areas shall be screened from the view of adjacent structures by a sight-obscuring fence and landscaping. Recreational Vehicles must be registered and insured at all times, under no circumstances may a recreational vehicle be used as storage of any kind.

(p) Landscaping: All land within a manufactured home park not paved or containing a structure shall be landscaped with grass, trees, shrubs or flowers in a manner that will enhance the residential character of the manufactured home park and surrounding neighborhood. All landscaping shall be maintained, said maintenance to include regular irrigation, mowing, removal of weeds and trimming and pruning as necessary.

(q) Perimeter Park Fencing: All yards, except the front yard, shall have a continuous permanently maintained perimeter fence separating the manufactured home park from the adjacent property. Common refuse areas and all other related park structures will also be properly fenced. Said fence shall have a minimum height of 42 inches and a maximum height of 72 inches.

(r) Manufactured Home Design: All manufactured homes within a manufactured home park shall conform to the following design standards:

[1] Dimensions. The manufactured home must be at least 900 square feet in floor area. Length must not exceed 5 times the width, which may be calculated using the measurements of a carport or an enclosed porch. Width must be at least 14 feet.

[2] Roof. The pitch of the roof must have a minimum vertical rise of one foot for each three feet of horizontal run. Any roofing material may be used provided it has the appearance of a non metallic shingle, shakes or tile which is commonly used in standard residential construction. Eaves from the roof must extend from the intersection of the roof and the exterior walls.

[3] Foundation. There must be a continuous, permanent foundation, unpierced except for required ventilation and access installed under the home. The foundation may be concrete or other material allowed by the Uniform Building Code for site built homes that are aesthetically compatible with the home and has the appearance of site built construction such as brick, concrete, or concrete block. A foundation is anything a manufactured home rests upon including concrete block, poured concrete slab or other comparable materials or foundations.

[4] Exterior siding. The exterior siding must be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction such as wood, hardboard or metal or vinyl or any other material allowed by the Uniform Building Code.

[5] Hauling mechanisms. All mechanisms used to transport the manufactured home to the site including, but not limited to, hitch, transporting lights and removable towing apparatus must be removed within 30 days of setup.

[6] Storage Sheds: One storage shed shall be allowed for each manufactured home. Storage sheds shall not exceed 200 square feet of gross floor area and shall be located adjacent to the manufactured home, deck or carport.

[7] Antennas: Satellite signal receiving antennas greater than three feet in diameter shall not be allowed unless such antenna is used to serve a centralized television signal distribution system in the manufactured home park. Home television antennas and any satellite receiving antennas less than three feet in diameter shall be installed at the rear of the manufactured home to a height not to exceed 5 feet above the roof peak. No antennas shall be located in a perimeter yard.

b. Site Plan Review and Permitting

(1) All manufactured home park developments are subject to Site Plan review.

(2) Application for Site Plan approval and licensing shall be made to the Planning Board using forms supplied by and delivered to the Code Enforcement Officer.

(3) Upon receipt of an application, the Planning Board shall immediately send a copy of the application to the State Department of Health and request that it make an investigation of the proposed project for the purpose of determining if it would meet the standards required by the State Sanitary Code for Temporary Residences.

(4) For Site Plan review and approval, the Site Plan review procedures of Article IX Site Plan Review shall be followed. In addition to the information required for Site Plan, the following information shall be required on the Site Plan:

a. The exact layout and dimensions of each manufactured home space.

b. The exact layout of all streets and driveways, their widths and the specifications of proposed construction.

c. The location of all required services and other improvements and facilities, such as playgrounds, swimming pools or recreation areas.

(5) Site Plan approval and issuance of permit

a. The site plan applications must be approved by the State Department of Health and the Planning Board. If such application is not approved, the Planning Board shall certify the reason for its action, and such decision shall be filed with the Town Clerk, who shall immediately notify the applicant of the decision of the Planning Board. A written decision of the Planning board is mandatory for all Manufactured Home Park permit requests.

(6) Assignment of Permit

A permit issued pursuant to the terms of this article shall be assignable only with the consent of the Planning Board.

(7) Issuance of Permit

The Planning Board, in considering approval, may follow the procedure provided in Subsections b (3)-(5) above for the issuance of a permit.

(8) Enforcement

The Code Enforcement Officer shall enforce all provisions of this Law.

(9) Supplemental Permit

Any person holding a permit for a manufactured home park desiring to add additional lots to such park must file for a supplemental permit. The application for such permit will follow all steps outlined in this section related to establishment of a new park.

(10) Revocation of Permit

(a) If the Code Enforcement Officer, upon inspection of a manufactured home park, finds that such park is in violation of any of the conditions of the permit, this law and/or is not being maintained in a clean and sanitary condition he or she shall notify in writing the holder of the permit or person in charge of the park of the specific violations and order immediate remediation. Such violations shall be remedied within 30 days after notification. If, after 30 days, such conditions remain unchanged or are not corrected in accordance with said order, the Code Enforcement Officer shall serve a notice in writing upon the park owner or the person in charge of such park, requiring the holder of the permit to appear before the Planning Board at a time to be specified in such notice and show cause why such permit should not be revoked.

(b) The Planning Board may, after a hearing at which testimony and witnesses of the Code Enforcement Officer and of the holder of such permit have been heard, revoke such permit if the conditions described in the original order have not been corrected in accordance with the terms of such order or if the holder of such permit has violated the regulations applicable to such park or has violated any of the provisions of this article or for other sufficient cause. Upon the revocation of such permit, the premises shall cease to be used for the purpose of such park, and all manufactured homes shall be removed.

7. Mobile Homes

All homes produced prior to June 15, 1976 are referred to in these regulations as mobile homes. The National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401(The HUD CODE) sets minimal performance standards for roof support strength, mechanical equipment, thermal performance, ventilation, safety, and other construction details that increased the quality of manufactured home units nationwide. The HUD Code went into effect to protect mobile home owners and tenants following significant and prevalent health and safety problems reported with mobile homes. In consideration of the health and safety problems known to be associated with mobile homes the following regulations are in place to protect owners, occupants and the community. The New York State Division of Housing and Community Renewal and Federal Rural Development Agency makes help and grant funds available for owners of mobile homes to replace mobile homes.

a. Inspection: No mobile home constructed prior to June 15, 1976 may be located, used, replaced, or moved to any lands situated within the Town of Greenville unless it is inspected by an agency or individual acceptable to the Code Enforcement Officer to determine that the home is structurally sound and free of heating and electrical system hazards. Written and signed documentation by the agency or individual performing the inspection must be provided to the code enforcement officer prior to a building permit being issued. If the Code Enforcement Officer, upon review of the inspection report, finds that said mobile home is not structurally safe and free from heating and electrical system hazards it may not be located in the Town of Greenville. Any replacement mobile home must meet provisions of the manufactured home development standards.

b. Nonconforming Mobile Home: Existing mobile homes in place and lawfully existing in the Town of Greenville at the time this law is adopted may continue as a legal nonconforming use as long as they are structurally safe and free of electrical and heating system hazards but must be removed if such mobile home becomes unsafe.

K. Public accommodation uses including schools, assembly places, entertainment and recreation facilities, camps and campgrounds, theaters, community centers

1. Such use shall be adequately fenced and/or screened from any adjacent residential property, and lighting shall be directed away from adjacent property and the road.

2. The location and situation of all structures shall be satisfactory to the Planning Board relative to the visual character and travel safety along the roadway on which such facility fronts.

3. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board.

4. Any such yse shall comply with the Town of Greenville Mass Gathering Law.

L. Public Utility

1. Such facility shall not be located on a residential roadway, unless no other site is available, and shall be so located as to necessitate minimal travel of service vehicles over residential roadways.

2. The location, design and operation of such facility shall not adversely affect the character of the surrounding area or development.

3. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted and landscaped.

M. Restaurants and Bars

1. No building or service area shall be closer than 100 feet of any existing residential structure in a LR zone. In all other zones, the standard minimum setbacks shall apply.

2. Such use shall be adequately fenced and/or screened from any adjacent residential property, and lighting shall be directed away from adjacent property and the road.

3. The location and situation of all structures shall be satisfactory to the Planning Board relative to the visual character and travel safety along the roadway on which such use fronts.

4. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board.

N. Self Storage Units

1. No self-service storage structures shall be located within 300 feet from the front lot line in any residentially zoned or developed property.

2. No individual storage compartments shall exceed 8,000 cubic feet.

3. All lighting shall be directed toward and illuminate the site only and shall not intrude on any residentially zoned or developed property.

4. Circulation drives and aisles shall be a minimum of 24 feet in width and all corners shall provide a 50-foot turning radius to provide adequate access for fire-fighting vehicles.

O. Telecommunication and Broadcast Towers

1. General Standards

   a. No telecommunication or broadcast tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special use permit and in conformity with these regulations. However, if in the opinion of the Building Department, an alteration is a repair or replacement for standard maintenance, only a building permit shall be required. No existing structure shall be modified to serve as a telecommunication or broadcast tower unless in conformity with these regulations.

   b. Telecommunication or broadcast towers are permitted in accordance with Schedule A: Use Regulations.

   c. Exceptions to these regulations are limited to:

      (1) New uses which are accessory to residential uses,

      (2) Lawful or approved uses existing prior to the effective date of these regulations,

      (3) Amateur Radio Towers. All Amateur Radio Towers exceeding 35 Feet shall require a Special Use Permit.

   d. Where these regulations conflict with other laws and regulations of the Town of Greenville, the more restrictive shall apply, except for tower height restrictions which are governed by these special use standards.

2. Site Plan Application Requirements

   a. Site plan review may take place in accordance with Article IX of this Law. The site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The site plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing.

   b. Additionally, the Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

      The consideration of alternative designs may be requested as part of the visual assessment such as flagpole technology, camouflaging such as silo, windmill, or

simulated tree, installation of antennas on existing structures, or other designs that provide for mitigation of visual imports.

3. Shared Use

   a. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.

   b. An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.

   c. 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 as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

4. Setbacks

   A proposed telecommunication or broadcast tower shall be separated from all the boundary lines on the lot on which it is located by a distance equal to the height of the tower plus the distance of the corresponding minimum yard setback (front, side and rear) according to the requirements for that zone as stated in the Article III, Schedule B: Dimensional Standards of this Law (i.e., the tower height plus the front yard setback equals the total required setback from the front lot line). Additionally, the base of any guy wire shall be subject to the normal setback requirements of the underlying zone in which the proposed tower is to be sited.

5. Visibility

   a. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

   b. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall meet all painting standards as required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free-standing structures except where such free-standing structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

   c. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

6. Existing Vegetation

Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding 4 inches in diameter (measured at a height of 4 feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

a. Screening

Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas.

b. Access and Parking

A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.

c. Height

The maximum permitted height of a tower, monopole or any structure constructed for the purpose of locating antennas or telecommunications devices, shall be as follows:

(1) 85 feet for a single user or operator.

(2) 95 feet for two users or operators; and

(3) A maximum height of 135 feet for up to 5 users or operators.

The applicant must demonstrate to the satisfaction of the Planning Board that the proposed height and bulk of a communication or broadcast tower on monopole is the minimum height and bulk necessary to provide service to meet the applicant's communication needs within the Town's boundaries and the visual or aesthetic impact has been minimized to the greatest extent practicable.

Notwithstanding the above, the Planning Board may, in its discretion and where same shall encourage co-location, require that the height of the tower be increased, up to the maximum height allowable herein. The applicant shall present a long-range conceptual plan for other sites in the vicinity of the proposed facility site to illustrate the effect of variations in tower height and bulk on the number, location and co-location of additional antennas, towers and facilities.

7. Authority to Impose Conditions

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed tower special use permit or site plan.

a. Removal Upon Abandonment

Such conditions shall include provisions for dismantling and removal of towers and accessory facilities upon abandonment of use. The terms of any approval for a tower and facilities, shall require the applicant to deposit with the Town an amount in an escrow account or performance bond sufficient to remove the tower, antenna and associated facilities. Such amount shall be arrived at based upon the recommendation of the Town's engineer and other appropriate professionals, including the applicant's engineer. Said funds shall be deposited in a separate, interest bearing account and shall not be utilized for any purpose except as herein stated. The interest earned on said funds, upon the written request of the applicant, shall be returned to applicant on an annual basis or be utilized by the applicant for the maintenance of the tower and facility. The Town shall review the sufficiency of the amount in escrow to complete the removal of the tower and facility and shall require an additional amount to be deposited in the event a determination is made that the cost of the removal is more than what is currently in the escrow account based upon the recommendation of the Town's engineer and other appropriate professionals including the owner/operator's engineer. The Town shall not utilize the escrow funds herein to remove the tower and facility unless the same has been abandoned and the applicant or its successors in interest failed to remove the facility after more than 30 days following a written demand by the Town to do so. The owner, applicant and/or its affiliate shall be liable for all applicable penalties and fines independent of any amount remaining escrow.

In the event that the use of a communication or broadcast tower and facilities has been discontinued for a period of 120 consecutive days or more, or the owner/operator notifies the Town of its intention to discontinue its use thereof, the facility shall be deemed to be abandoned. If there are two or more operators of users of a communication or broadcast tower facility, then this provision shall become effective only when all users have discontinued use of said facility. The Building Inspector shall make a periodic inspection of the premises, at least annually. The Building Inspector shall make a determination of the date of abandonment and shall request documentation from the owner or operator of the facility regarding usage within 5 business days of the determination of abandonment.

8. Reimbursement of Review Costs

The applicant shall be required to establish an escrow account to reimburse the Town of Greenville for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a communication or broadcast tower and facility. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost to erect the proposed tower and facility but in no case shall be less than $3,000 or an amount estimated by the Planning Board to be reasonable and necessary to cover the cost of review to be incurred by the Town. An estimate of the approximate costs of review services shall be provided by all necessary reviewing professionals assisting the Town in such reviews. The town shall submit an itemized bill to the applicant at least thirty days prior to any deduction of such amount billed from the escrow account and shall engage in a good faith effort to settle any dispute which may arise regarding such replenishment of the escrow account established hereunder. The Town may suspend review of an application in the event the applicant

unreasonably refuses to replenish the escrow account upon request. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within sixty days of the submission of any payment of finals bill by the Town and payment in full of all application and approval fees.

9. Alteration of an Existing TeleCommunication or Broadcast Tower, Antenna or Related Structure

   Alteration of an existing telecommunication or broadcast tower or monopole, antenna or any related building or other structure or improvement, including a plan for the co-location of facilities, a change in the use of said facility, or a change in the type(s) of antenna(s), or an increase in the size, height or bulk of the antenna(s) or tower, or an increase in the type or intensity of lighting, or reduction of any of the improvements related to screening of the facility, shall be subject to the requirements of this Article.

10. Change of Identity of Parties

    In the event that the identity of any party to the initial or any subsequent application changes or their interest in the project is assigned, conveyed or transferred the Town shall be notified of all parties' names, addresses, and telephone numbers within 120 days of such change, assignment, conveyance or transfer.

P. Wind Energy System, Small

1. Purpose and Findings

   The purpose of this section is to provide a regulatory scheme for the construction and operation of Small Wind Energy Systems in the Town of Greenville, subject to reasonable restrictions, which will preserve the public health and safety of the Town's residents.

   The Town of Greenville finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and the power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio.

2. Definitions

   ON GRID SYSTEM: The turbine and load it serves (i.e. house) are connected to the transmission grid. The house receives its electricity from the turbine when wind is available and from the grid when backup is needed.

   OFF GRID SYSTEM: The turbine and load it serves are not connected to a larger electrical network. These usually have some form of energy storage device (i.e. batteries) to supply reserve power when energy demand exceeds wind supply.

   SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

TOWER HEIGHT**:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

3. Applicability

   a. Small Wind Energy Systems 60 feet or less are permitted upon granting of a building permit within all zoning districts.

   b. Small wind energy systems greater than 60 feet in height shall require Site Plan Approval from the Planning Board.

4. Submission Requirements

   The following elements shall be included in the submission:

   a. The applicant and landowner's name and contact information.

   b. The tax map numbers, existing use and acreage of the site parcel.

   c. Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.

   d. Data pertaining to the tower's safety and stability, including safety results from test facilities.

   e. Proposal for landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is also required to screen accessory structures from adjacent residences.

   f. A Short Environmental Assessment Form ("EAF") (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.

   g. A wind assessment anlaysis which covers a period not less than 90 for the subject property.

5. Tower Height.

   For property sizes between 0.5 acre and one acre the tower height shall be limited to 80 ft. For property sizes of one acre or more, there is no limitation on tower height, except as constrained by requirements of this article and other regulatory agencies.

6. Setback.

   Setbacks shall be a minimum of 50 feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).

7. Sound.

   Small wind energy systems shall not exceed 55 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. When determining the level of sound, measurements shall be averaged over a twenty-four hour period of time.

8. Safety

Wind turbine towers shall not be climbable up to 15 feet above ground level.

9. Compliance with Regulations.

   a. Small wind turbines must have been approved under any other small wind certification program recognized by the American Wind Energy Association.

   b. Compliance with Uniform Building Code: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

   c. Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

   d. Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

10. Utility Notification.

    No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

11. Multiple Turbines.

    In the event of multiple small wind turbines, each turbine, or the resulting aggregate installation, must meet the sound, setback and safety requirements as exist for other structures.

12. Removal

    In the event that the use of a small wind energy system has been discontinued for a period of 120 consecutive days or more, or the owner/operator notifies the Town of its intention to discontinue its use thereof, the facility shall be deemed to be abandoned. The Building Inspector shall make a periodic inspection of the premises, at least annually. The Building Inspector shall make a determination of the date of abandonment and shall request documentation from the owner or operator of the facility regarding usage within 5 business days of the determination of abandonment.

ARTICLE VIII: NON-CONFORMING USES AND STRUCTURES

A. Non-conforming uses and Structures

1. Continuation.

   a. The lawful use of any structure or land existing at the time of the enactment of this Local Law may be continued although such use does not conform with the provisions of this Law.

   b. Any building or structure, for which a valid building permit was lawfully issued prior to the adoption of this Law, may be completed and used in accordance with the plans and specifications for such building or structure.

   c. Any pre-existing legal use which is allowable by Special Permit under this Law, but which has not been issued a Special Permit, shall be considered a permitted use. The expansion of such a use, other than a single-family or two-family residence, shall require Site Plan approval, unless such expansion has been permitted by a prior site plan approval.

2. Discontinuance.

   Whenever a structure or land used for or occupied by a non-conforming use has been discontinued for a period of eighteen months, such use shall not thereafter be used or occupied as a non-conforming use except as provided in Subsection 3(c).

3. Re-establishment, Improvements or Changes.

   a. Any change of use, change of building dimensions or addition to an existing non-conforming building, use, or accessory use shall require a special use permit. In acting on such Special Permit, the Planning Board, shall to the extent practicable, apply the current supplemental regulations, design standards and landscaping and buffering which apply to such use. No non-conforming use may be changed to another non-conforming use.

   b. The Planning Board may issue a Special Permit for the re-establishment of a non-conforming use after the eighteen month period has expired if the applicant has been prevented from continuing the use during the eighteen month period due to strikes, acts of God, disability, or other similar hardship beyond the applicant's control. In acting on such Special Permit, the Planning Board, shall to the extent practicable, apply the current supplemental regulations, design standards and landscaping and buffering which apply to such use.

   c. A non-conforming structure or use may be rebuilt in the event of its total or partial destruction caused by fire, flood, wind or other act of God or man, provided that the structure occupy the same or a lesser footprint including bulk and area, and may not exceed the original height of the totally or partially destroyed structure. The structure may also be rebuilt twenty percent (20%) larger if the structure meets the setback requirements. All rebuilding shall require Site Plan review by the Planning Board. The restoration or rebuilding shall be commenced within 18 calendar months of such occurrence and be completed within 36 calendar months.

4. Improvements and Expansions.

a. A non-conforming use or structure shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.

b. Any owner of an existing non-conforming mobile or manufactured home who desires to substitute a single-family home, a manufactured home of superior construction or to improve the facilities for the existing mobile or manufactured home, such substitution or improvement shall be considered to a continuation of such nonconforming use, and shall comply with the regulations set forth herein.

B. Existing Undersized Lots

Lots of record at the time of adoption of this Local Law whose size or depths are less than the specified minimum requirements set forth herein shall be deemed to meet the minimum size regulations of this law. No new lot shall be created which does not meet the minimum lot size regulations of this Local Law.

ARTICLE IX: SITE PLAN REVIEW

A. Applicability

1. In all zones, prior to the issuance of a building permit for any structure or group of structures, excepting a single-family or two-family dwelling and its accessory uses and lands used in agricultural production, as defined by the New York State Agriculture and Markets Law, Article 25AA, Agricultural Districts, §301, Definitions, the Code Enforcement Officer shall require the preparation of a site plan.

2. The requirements of Article IX may be waived, however, for applications approved under Article X, Article IV and Article XIII, Subdivision Local Law, when, in the determination of the Planning Board, the requirements of this section have been adequately addressed through other provisions contained in this law.

B. Sketch Plan

A sketch plan conference shall be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the detailed site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed.

1. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, and easements within 200 feet of the boundaries thereof.

2. A rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs and other planned features.

3. For residential structures or structures accessory to residential uses, the applicant shall provide plans with such specificity as will enable the board to determine compatibility in accordance with Subsection (D), Preservation Review below. Such applicants are otherwise not required to comply with the requirement of this paragraph.

C. Application for Detailed Site Plan Approval

An application for detailed site plan approval shall be made in writing to the Chairman of the Planning Board. An application will be considered complete when all the following is received by the Planning Board.

1. A completed "Application for Site Plan Review" form.

2. A completed Environmental Assessment form or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR).

3. Certified property survey with metes and bounds description.

   A detailed site plan prepared by a licensed land surveyor or professional engineer or architect which shall contain information from the following checklist, as determined necessary by the Planning Board at the Sketch Plan Conference. Subsection 3,6,7,8,9,14 and 24 below are especially important components of the application for the H zones.

   a. Site Plan Checklist

(1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

(2) North arrow, scale and date.

(3) Boundaries of the property plotted to scale.

(4) Existing watercourses and other existing natural features, i.e. stone walls, etc.

(5) Grading and drainage plan, showing existing and proposed contours at no more than 20 feet contour intervals. If general site grades exceed 5 percent or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than 5 feet of elevation shall also be provided..

(6) Location, design, type of construction and proposed use and height of all structures.

(7) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.

(8) Texture, materials and their relation to similar features of other properties in the neighborhood.

(9) Details of the subject structure, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape and the pattern of spacing of properties on street, such as setback distances.

(10) Building elevations, drawn to scale, from all sides.

(11) Location, design and construction materials of all parking and truck loading areas, showing access and egress.

(12) Provision for pedestrian access.

(13) Provision for handicap accessibility.

(14) Location of outdoor storage, if any.

(15) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

(16) Description of the method of sewage disposal and location, design and construction materials of such facilities.

(17) Description of the method of securing public water and location, design and construction materials of such facilities.

(18) Location of fire and other emergency zones, including the location of fire hydrants.

(19) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

(20) Location, size and design and construction materials of all proposed signs.

(21) Location and proposed development of all buffer areas, including existing vegetative cover.

(22) Location and design of outdoor lighting facilities.

(23) Designation of the amount of building area proposed for retail sales or similar commercial activity.

(24) General landscaping plan and planting schedule.

(25) Location, size and details of any designated wetlands or flood plains on property, if applicable.

(26) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state, county or local permits required for the project's execution.

(27) Proposed location of all items intended to be stored outside; plan for maintenance of clean and neat appearance of said premises.

b. Required Fee

The required fees are set forth in the Fee Schedule.

c. The Planning Board shall have the discretion to waive those items in C.a. above which may not be applicable to the application.

D. Preservation Review

Prior to the issuance of a building permit in the Hamlet District, the Code Enforcement Officer shall require a certificate of appropriateness from the Planning Board.

1. The application for a certificate of appropriateness shall contain:

a. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.

b. Boundaries of the property plotted to scale.

c. Location, design, type of construction and proposed use and height of all structures.

d. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.

e. Texture, materials and their relation to similar features of other properties in the neighborhood.

f. Details of the subject structure, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape and the pattern of spacing of properties on street, such as setback distances.

g. Building elevations, drawn to scale, from all sides.

h. Location of outdoor storage, if any.

i. The applicant shall pay a fee at the time of application, to be set by the Town Board.

2. Planning Board Review

a. No proposed construction or alteration shall be approved unless it is deemed compatible with the historic architecture of the Hamlet District. The historic architecture of the Hamlet District shall be considered to be Victorian, Colonial, or Colonial Revival, Italianate and Arts & Crafts. In applying the principle of compatibility, the Planning Board shall consider the following:

(1) The general design, character, and appropriateness to the property of the proposed alteration or new construction.

(2) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.

(3) Texture, materials and their relation to similar features of other properties in the neighborhood.

(4) Visual harmony with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other opening with the facade, roof shape and the pattern of spacing of properties on street, such as setback distances.

(5) The importance of historic, architectural, or other features to the significance of the property.

b. Nothing in this local law shall be construed to prevent any maintenance or repair which does not require a building permit.

c. Strict adherence to the front yard depth requirements shall be waived where the applicant or Planning Board can show that a modified front yard size is more appropriate to preserve the character of the area.

E. Planning Board Review

1. The Planning Board shall consider the following general considerations:

a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

b. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

c. Location, arrangements, appearance and sufficiency of off-street parking loading.

d. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

e. Adequacy of storm water and drainage facilities.

f. Adequacy of water supply and sewage disposal facilities.

g. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including a maximum retention of existing vegetation.

h. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

i. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

j. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants, where available.

k. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

2. Consultant Review

The applicant shall be required to establish an escrow account to reimburse the Town of Greenville for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for site plan review. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost of the project but in no case shall be less than $3,000 or an amount estimated by the Planning Board to be reasonable and necessary to cover the cost of review to be incurred by the Town. An estimate of the approximate costs of review services shall be provided by all necessary reviewing professionals assisting the Town in such reviews. The town shall submit an itemized bill to the applicant at least thirty days prior to any deduction of such amount billed from the escrow account and shall engage in a good faith effort to settle any dispute which may arise regarding such replenishment of the escrow account established hereunder. The Town may suspend review of an application in the event the applicant unreasonably refuses to replenish the escrow account upon request. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within sixty days of the submission of any payment of finals bill by the Town and payment in full of all application and approval fees.

3. Public Hearing

The Planning Board shall conduct a public hearing on the detailed site plan. Such public hearing shall be conducted within 62 days of the receipt of the complete application for site plan review and shall be advertised in a newspaper of general circulation in the Town at least 5 days before the public hearing. The applicant shall also be required to provide written notice, return receipt requested, of the public hearing to all owners of land adjacent to the subject parcel at least five days before the public hearing. Adjacent landowners shall include landowners on both sides of the road.

F. Planning Board Action

Within 62 days of the public hearing, the Planning Board shall act on it. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the detailed site plan is approved, disapproved or approved with modifications. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

The Planning Board's statement may include recommendations of desirable modifications to be incorporated and conformance with said, modifications shall be considered a condition of approval. If the detailed site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and re-submission to the Planning Board after it has been revised or redesigned.

G. Miscellaneous Policies

1. Performance Guarantee

   No certificate of occupancy shall be issued until all improvements shown on the approved detailed site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Code Enforcement Officer or other competent persons.

2. Inspection of Improvements

   The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with other officials and agencies, as appropriate.

3. Preparation of an "As Built Plan"

   The applicant shall cause an "as built plan" to be prepared and submitted to the Planning Board by a licensed land surveyor or professional engineer. Such "as built plan" will show, to scale, all proposed site improvements as they were built, as compared to the way they were submitted and approved on the detailed site plan. All cost associated with the preparation and submittal of the "as built plan" shall be the responsibility of the applicant.

4. Integration of Procedures

   Whenever the particular circumstances of a proposed development require compliance with any other Town Law, Ordinance, or regulation, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Article with the procedural and submission requirements for such other compliance.

ARTICLE X: SPECIAL USE PERMITS

A General Procedures and Provisions

1. All uses of land listed in Schedule A as Special Uses shall be allowed upon issuance of a Special Use Permit by the Planning Board.

2. Applications for Special Use Permits shall be filed with the Code Enforcement Officer, who shall forward the application to the Planning Board for decision.

3. The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.

4. Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a Special Permit application.

5. A plan for the development of a Special Use shall be submitted with each Special Use Permit application. The plan shall show the location of all structures, parking areas, traffic access and circular drives, open spaces, landscaping, topography, special features, and any other information, including such information about neighboring properties, as may be necessary to determine and provide for the enforcement of this Law.

6. To cover the cost of processing Special Use Permits and applications, an application fee in accordance with the Schedule of Fees as promulgated by the Town Board of Greenville, New York shall accompany any application for a Special Use Permit, and shall be in addition to the Zoning Permit fee as described in this Law.

7. A Special Use Permit shall be deemed to authorize only one particular Special Use, and such permit shall be considered null and void if, within 18 months from the date of issue all improvements required for this Special Use are not completed, and if the Special Use shall cease for more than 18 months for any reason, unless otherwise provided by the Planning Board.

8. The Planning Board may attach conditions, limitations and safeguards to the Special Use Permit as are necessary to assure continual conformance to all applicable standards and requirements.

9. A use authorized by Special Use Permit may be revoked by the Planning Board if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations, and requirements imposed by said permit.

10. The Planning Board shall hold a public hearing on the Special Use within 62 days of the filing of a complete and proper Special Use Permit application. Said public hearing shall be advertised in the newspaper of general circulation in the Town at least 5 days before the public hearing. The applicant shall also be required to send written notice, return receipt requested, of the public hearing to all owners of land adjacent to the parcel at least 10 days before the public hearing. Adjacent landowners shall include landowners on both sides of the road.

11. The Planning Board shall render its decision within 62 days of the public hearing. Decisions of the Planning Board shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.

B. Standards for all Special Use Permits

1. The location, nature and height of the buildings, walls and fences and the nature and intensity of the intended operations, will not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof.

2. All proposed buildings, structures, equipment, and/or material shall be readily accessible for fire, emergency services and police protection.

3. Safe, convenient and adequate vehicular and pedestrian access to and from the use through adequate, but not excessive, points of ingress and egress having sufficient width, proper grading and alignment, clear visibility and sufficient setback from street corners and places of public assembly.

4. Adequate off-street parking and loading areas in accordance with Article V, Subsection (D), Parking Regulations, so as to provide safe and convenient circulation.

5. Locations and heights of buildings shall be such that the Special Use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

6. Landscaping and screening of parking, loading and service areas so that such areas are screened all seasons of the year from the view of adjacent lots and streets.

7. The character and appearance of the proposed use, buildings, structures, lighting, and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood.

8. Uses shall not be more objectionable to nearby properties by reason of noise, fumes, odors, vibration or light than would the operations of any permitted principal use. In addition, uses shall not adversely affect the general welfare of the inhabitants of the Town of Greenville, such determination to be made by the Town Planning Board.

9. Except for pre-existing non-conforming lots of record, uses shall meet the prescribed area and bulk requirements for the district in which it is located and as further specified in the Use and Bulk Tables.

10. Expiration: A Special Use Permit shall expire if the use or uses cease for more than eighteen months, or if a time limit imposed on certain Special Use Permits expires without renewal.

11. Revocation: A special use permit may be revoked by the planning Board, after public hearing, if it is found and determined that here has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by the permit.

ARTICLE XI: DEMOLITION PERMITS

A. Purpose

The purpose of this article is to ensure that the historic character of the town's hamlets and historic buildings is preserved through the retention of the existing contributing buildings. It is therefore the intent of this article to preserve and retain buildings with historic character or features within the hamlet whenever possible through careful review of demolition permits.

B. General Procedures and Provisions

No demolition permit shall be issued by the Building Inspector/Code Enforcement Officer permitting demolition in a Hamlet Zoning district without approval by the Planning Board except where the Building Inspector/Code Enforcement Officer finds that demolition is necessary in the interest of the safety and welfare of the public.

The Planning Board review shall be based on the principle that properties which contribute to the character of the district in which they are located shall be retained and preserved with their historic features altered as little as possible.

An applicant for a proposed demolition may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:

1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; or
2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser which would result in a reasonable return; or
3. Good faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Reasonable return for a residential property will be defined as (a) return of investment or (b) fair market value as determined by a competent appraiser or appraisers, whichever is lower.

C. Public Hearing

1. The Planning Board shall hold a public hearing on the demolition permit within 62 days of the filing of a complete permit application, which shall be accompanied by a fee to be set by the Town Board. Said public hearing shall be advertised in the newspaper of general circulation the Town at least five days before the public hearing. The applicant shall also be required to send written notice, return receipt requested, of the public hearing to all owners of land adjacent to the subject parcel and the Town Historian at least 10 days before the public hearing. Adjacent shall include landowners on both sides of the road.
2. The Planning Board shall render its decision after public hearing and within 62 days of the public hearing. The 62 days may be extended for good cause and with the concurrence of the applicant.

ARTICLE XII: ADMINSTRATION AND ENFORCEMENT

A. Enforcement

This Local Law shall be enforced by the Building Inspector/Code Enforcement Officer, who shall be appointed by the Town Board, in the same manner and with the same powers as now or hereafter practiced or provided under the building code.

No zoning permit or certificate of occupancy shall be issued by the Building Inspector/Code Enforcement Officer, and no permit or license for any purpose shall be issued by any official of the Town of Greenville, if the same would be in conflict with the provisions of this Law.

B. Zoning Permit

No building or structure shall be erected, added to, or structurally altered (minor changes excluded) until a permit therefore has been issued by the Code Enforcement Officer in accordance with the provisions of this Law. There shall be no change, expansion or addition in the use of a property until a permit therefore has been issued by the Code Enforcement Officer in accordance with the provisions of this Law. This shall include home occupations.

All applications for zoning permits shall be accompanied by two copies of a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot, an application fee in accordance with the Schedule of Fees as promulgated by the Town Board of Greenville, New York and such other information as may be required by the Building Inspector/Code Enforcement Officer and Planning Board to determine compliance with this Law.

One copy of such plans, when approved by the Building Inspector/Code Enforcement Officer shall be returned to the applicant.

C. Certificate of Occupancy

No land shall be used or occupied and no building or structure hereafter erected, significantly altered the character or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Building Inspector/Code Enforcement Officer in accordance with the provisions of this Local Law.

All Certificates of Occupancy for new or altered buildings or structures shall be applied for coincident with the application for a zoning permit.

Such Certificate of Occupancy shall be issued within l0 days after the erection or alteration shall have been approved as complying with the provisions of this Law.

D. Zoning Board of Appeals

A Zoning Board of Appeals is hereby created in accordance with Section 267 of the Town Law of the State of New York. Said board shall consist of 5 members. The officers of the Board shall consist of Chairman, and Vice Chairman. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

1. Powers and Duties

   The Zoning Board of Appeals shall have all the power and duties proscribed by this law which are more particularly specified as follows:

a. Interpretation. Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of this Law, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.

b. Use Variances. The Zoning Board of Appeals, on appeal from the decision or determination of the administration official charged with enforcement of this Law, shall have the power to grant variances, as follows:

(1) A use variance is an authorization by the Zoning Board of Appeals that allows a specified use in a zoning district where such specified use is not allowed. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located

(a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d) That the alleged hardship has not been self-created.

(2) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

c. Area variances.

(1) An area variance is an authorization by the Zoning Board of Appeals that allows a departure from the text of this law. Area variances include any departure not covered by a use variance (for example, lot size, yard sizes, and number of parking spaces). In making its determination, on an area variance application the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(c) Whether the requested area variance is substantial;

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(2) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

d. Impositions of conditions.

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

2. Application to the Zoning Board of Appeals

a. Appeals from decisions made by the Building Inspector/Code Enforcement Officer shall be filed with the Building Inspector/Code Enforcement Officer and the Secretary of the Zoning Board of Appeals in writing within 30 days of the date of the action specifying the grounds thereof.

b. All applications for variances shall be filed with the Secretary of the Zoning Board of Appeals in writing, shall be made in a form required by the Board, and shall be accompanied by payment of a filing fee as established in the Schedule of Fees which have been promulgated by the Town Board and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

c. Decisions of the Zoning Board of Appeals shall be in writing and shall specify the particular conditions for such approval or the grounds for denial.

d. The Zoning Board of Appeals shall hold a public hearing on all appeals or applications within 62 days of filing of a complete and proper appeal or application. Notice of said public hearing shall be advertised in the newspaper of general circulation in the Town at least five days before the public hearing. The applicant shall also be required to send written notice, return receipt requested, of ten days or more of the public hearing to all owners of land adjacent to the subject parcel. Adjacent shall include landowners on both sides of the road. The Zoning Board of Appeals shall render its final decision within 62 days of the public hearing. The 62 day period may be extended as appropriate for good cause or with concurrence of the applicant.

ARTICLE XIII: DEFINITIONS

Except where specifically defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word "shall" is always mandatory. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel". The word "person" includes an individual person, a firm, a corporation, a co partnership and any other agency.

ABANDONMENT: An intent to abandon or to relinquish which may be demonstrated by some overt act, or some failure to act which carries the implication that the owner neither claims nor retains any interest in the subject matter of the abandonment.

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY STRUCTURE: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. The size of the structure shall be kept within the character of the area in which the structure is located. Also ACCESSORY BUILDING

ACCESSORY USE: A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT BOOKSTORE: An establishment having 10% or more of its stock in trade books, magazines, periodicals, recording, films, video tapes/cassettes, or other viewing materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or sexual anatomical areas, and which establishment excludes minors by reason of age.

ADULT DAY CARE: Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities. Said care shall be provided for a period of time of more than 3 but less than 12 hours on any given day.

ADULT ENTERTAINMENT CABARET: An establishment that presents topless and/or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainers, and excludes minors by reason of age.

ADULT ENTERTAINMENT USE: Any use constituting an adult bookstore, adult motion picture theater, adult entertainment cabaret, adult motel, or massage establishment, as those terms are defined herein.

ADULT MOTEL: A motel that is open to the public generally and makes available to its patrons in their rooms films, slide shows, or video tapes which, if presented in a public movie theater, would exclude minors by reason of age.

ADULT MOTION PICTURE THEATER: An establishment presenting material distinguished or characterized by primary emphasis on matter depicting, describing, or relating to sexual activities or

sexual anatomical areas for observation by patrons, and which establishment excludes minors by reason of age.

AGRICULTURE: Raising of crops, poultry, fowls, animals, and animal products; forestry; other commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.

AGRICULTURAL DISTRICT: A district established pursuant to Article 25-AA of the Agriculture and Markets Law.

ALLEY: A public way, which affords generally a secondary means of vehicular access to abutting property.

ALTERATION: As applied to a building or structure, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, either by extending a side or by increasing in height, or the moving from one location or position to another. Also STRUCTURAL ALTERATION

AMATEUR RADIO TOWERS: Radio Towers owned and operated by an amateur radio operator currently licensed by the Federal Communication Commission (FCC) and used solely for noncommercial purposes, without any financial compensation. The height of an amateur radio tower including antennas shall be the minimum necessary as recommended by FCC regulations, but shall not exceed a maximum total height of 100 feet, measured vertically from the average ground level at the foundation to the highest part of the structure including any antennas.

AMENDMENT: A change to any portion of this Law which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Town Board.

ANIMAL HOSPITAL: An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment. Also VETERINARY HOSPITALOFFICE.

ANIMAL SHELTER: Any structure or property which houses stray, abandoned or owner-surrendered animals except for fish for impoundment purposes for future disposition including redemption, adoption, sale or disposal. This use may include facilities for the destruction and disposal of animals. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

ANTENNA: See WIRELESS COMMUNICATION FACILITY.

ARTIST STUDIO: A workshop or workroom for the creation of fine art and crafts such as painting, sculpturing, photography, or other handmade pieces of art. The space may include a residential unit and it may also include teaching area for small groups of ten or less.

AUTOMOTIVE REPAIR SERVICES: A building on a lot designed and/or used primarily for mechanical repairs, storage, rental or servicing of automobiles, trucks or similar motor vehicles. Servicing shall include lubrication, changing the oil and replacing filters, but shall not include the dispensing of fuel.

AUTOMOTIVE SALES or RENTAL: The use of a building, land area, or other premises or portion thereof, for the display, sale, or lease of automobiles including any warranty repair work and other repair service conducted as an accessory use.

BANKS: Any structure which houses banks, trust companies, private bankers, savings banks, safe deposit companies, savings and loan associations, credit unions and investment companies or other financial depository activities as defined in the NYS Banking Law.

BAR: An establishment used primarily for the serving of alcoholic beverages, including liquor, beer and/or wine, by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use. Also NIGHT CLUB or COCKTAIL LOUNGE.

BASEMENT: A story partly below grade and having a portion of its clear floor-to-ceiling height above the average grade of the adjoining ground.

BED AND BREAKFAST: A dwelling in which overnight accommodations for no more than 65 10 transient guests and breakfast are provided for compensation. A bed and breakfast must be the primary residence of the owner/proprietor.

BERM: A man-made mound of earth designed for decorative, screening or buffering purposes.

BOWLING ALLEY: A building or structure utilized primarily for the sport of bowling, which may include the incidental sale or dispensing of food and drink and the sale or rental of bowling equipment. It may also include video games/pinball machines as long as such does not comprise more than 2% of the gross floor area.

BUFFER AREA: A strip of land, usually landscaped and open in area, intended to protect one type of land use from the other that may be incompatible or separate and partially obstruct the view of two adjacent land uses or properties from one another. Also SCREENING.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or other real or personal property.

BUILDING, ASSEMBLY: A building or portions of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

BUILDING COVERAGE: That portion of a lot covered by the maximum horizontal cross sections of all principal and accessory structures.

BUILDING HEIGHT: The vertical distance measured from the established grade at the curb; or if no grade has been officially established at the curb, measured from the average level of the finished ground surface across the front around the entire exterior of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

CALIPER: The diameter of a tree trunk.

CAMP: Any parcel of land on which are located 2 or more cabins, tents, shelters, or other accommodations of a design or character suitable for seasonal or other more or less temporary living

purposes, including summer colony, resort and day camp, but not including a mobile home park, boarding house, hotel or motel. A bus shall not be construed to be a camp.

CAR WASH: Mechanical facilities for the washing, polishing or cleaning of automobiles or trucks.

CEMETERY: Property used for the interring of the dead. This use shall not include facilities for cremation.

CLUSTER DEVELOPMENT: A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size.

COCKTAIL LOUNGE: See BAR or NIGHTCLUB.

COMMERCIAL HORSE FARM and RIDING ACADEMY A structure and/or use relating to the raising, riding, training or keeping of horses or other similar animals including llama and alpaca or similar animal farms for compensation or other business-related purpose. This shall include activities relating to the hiring or renting of such animals for recreational use but shall not include such activities carried on by the owner of the property for personal pleasure or recreation.

COMMUNITY CENTER: A not-for-profit or publicly owned facility providing community facilities such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN: Plans and policy statements prepared by and for the Town of Greenville in accordance with the Town Law identifying land use areas and objectives and public facilities and other community features, and providing for the improvement of the Town and for its future growth, protection, and development. The Comprehensive Plan will be amended from time to time to reflect changing community conditions and needs.

CONCERT HALL: Any building or structure designed for the performance of music, dance or similar performances. See also THEATER.

CONDOMINIUM: A building or groups of buildings in which dwelling units are owned individually, and the owners own the structure, common areas, and facilities jointly.

CONVENIENCE STORE: A one-story retail store that is designed and stocked primarily to sell retail items, food, beverages and household supplies to customers who typically purchase a relatively few items. Such establishments may include the retail sale of gasoline, oil and other automotive fluids, although no repairs or servicing of vehicles is permitted.

COUNTRY CLUB: A club with sporting and social facilities. See also GOLF COURSE.

CROSSWALK: A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

CULTURAL FACILITY: An establishment owned or leased by a board of directors, having by laws and operated for the purpose of exhibiting art and artifacts, conducting educational activities and performances.

DAYCAMP: Non-overnight camp providing recreation, arts and crafts, and other activities for pre-school and school age participants, limited to summer and other school vacation periods.

DAY CARE, FAMILY/CHILD: A program or facility caring for children. Said care shall be provided for a period of time of more than 3 hours per day but less than 24 hours on any given day for any given child by an individual, association, corporation, institution or agency whose activities including providing child day care or operating a facility where child day care is provided as defined in Section 390 of the New York State Social Services Law.

DEED RESTRICTION: A restriction on the use of a property set forth in the deed. Also RESTRICTIVE COVENANT.

DENSITY: The lot area per dwelling unit required in the zoning district regulations.

DRIVE-THROUGH FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. A drive-through facility is considered an accessory use. An automobile service station is not considered a drive-through facility for purposes of this law.

DRY CLEANING, RETAIL: A facility serving consumers directly and operated for the purpose of cleaning garments, fabrics, draperies, etc. with any of various non aqueous agents used in small quantities.

DWELLING: A building designed or used for residential occupancy as the living quarters for one or more households. The term "residence," "single family dwelling," "two family dwelling" or "multifamily dwelling" shall not be deemed to include BOARDING HOUSES, BED AND BREAKFAST INNS, MOTELS OR HOTELS.

DWELLING, SINGLE-FAMILY ATTACHED: A residential dwelling designed for and occupied by one household only that is located on its own lot and shares one or more common or abutting walls with one or more dwelling units. An attached single family dwelling does not share common floor/ceilings with other dwelling units. Also: ROWHOUSE, TOWNHOUSE.

DWELLING, SINGLE FAMILY DETACHED: A freestanding residential dwelling designed for and occupied by one household only.

DWELLING, MANUFACTURED: See MANUFACTURED HOME.

DWELLING, MULTI-FAMILY: A building containing 3 or more dwelling units which are arranged or designed to be occupied exclusively as a residence for 3 or more households, with separate housekeeping, cooking, and sanitary facilities for each.

DWELLING, TWO FAMILY: A building containing 2 dwelling units which are arranged or designed to be occupied exclusively as a residence for not more than 2 families.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family.

EMERGENCY SERVICE/FIREHOUSE/AMBULANCE: Any structure or building used to house emergency personnel, vehicles, equipment and/or supplies utilized in providing crisis, disaster, firefighting, injury or disease relief.

ENTERTAINMENT AND COMMERCIAL RECREATION FACILITY: Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, the following: arenas, theaters, bowling alleys, billiard parlors, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, bars, night clubs, parks, golf courses, motorized vehicle race tracks or recreational courses.

EQUIPMENT RENTAL OR SALES YARD: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment.

FAMILY: One or more persons living together as a single nonprofit housekeeping unit, using all rooms and housekeeping facilities of a dwelling unit in common and doing their cooking on the premises, as distinguished from a group occupying a boardinghouse or rooming house.

FARM: A parcel of land used for agricultural activities.

FLOODPLAIN: Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

FUNERAL HOME: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services. Such facilities shall not include crematoriums.

GASOLINE STATION: Any area of land, including any structure or structures thereon that is or are used or designated to be used for the supply of gasoline or other fuel for the propulsion of motor vehicles. For the purpose of this chapter, there shall also be deemed to be included within this term any area to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing and repairs, sales and rentals of all motor vehicles, except tractor-trailer trucks.

GOLF COURSE: A tract of land for playing golf for a fee, improved with tees, greens and fairways and which may include clubhouses, pro shops, food and beverage service and shelters, restaurants and cocktail lounges.

GOLF COURSE COMMUNITY: A residential development that is developed integrally with a new and/or existing golf course.

GOLF COURSE, MINIATURE: Any parcel of land that is used for the game of golf played at a much decreased scale and commonly referred to as "miniature golf."

GOVERNMENTAL OFFICE: Any building or structure where municipal officials or employees carry out the duties relating to local, county, state or federal activities, including post offices.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Also NURSERY.

HOME OCCUPATION: An occupation carried on in a dwelling unit or accessory structure by the resident thereof and not more than two non-resident persons; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not alter the exterior of the property structure or affect the residential character of the neighborhood.

HOSPITAL: An institution for the care and treatment of the sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury who require bed care, out-patient care or emergency room care.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms, and recreational facilities. Also INN.

HOUSEHOLD: See FAMILY.

HYDRIC SOIL: Soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper soil.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas.

IMPERVIOUS SURFACE COVERAGE: The percentage of the area of a lot that is covered by impervious surface.

IMPROVEMENT: A physical change to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curb, gutter and utilities, including water supply, together with sanitary and storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs and monuments.

INSTITUTION: A non-profit, religious or public use, such as a church, library, public and private school, hospital, or government owned or operated building, structure or land used for public purpose.

INTERNET SERVICE PROVIDER: A company that provides access to the internet.

JUNKYARD: A lot, and/or structure, or part of thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal of discarded material; or for the collecting, dismantling, storage and salvaging or machinery or vehicles for the sale of parts. A license is required per the Town's Ordinance Licensing and Regulating Dealers in Second-Hand Junk and Auto Parts Activities and Businesses.

KENNEL: A commercial establishment in which more than 4 dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

LANDFILL: Land, disposal or similar facility or part of one where solid waste, refuse, garbage, recycled material or any other waste or its residue after treatment is intentionally placed.

LAUNDROMAT: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

LIGHT INDUSTRY: A use which involves the fabrication, reshaping, reworking, assembly, or combination of products, including processing, packaging, incidental storage, sales and distribution of such products, but is exclusive of uses that require offensive, noisy, or otherwise objectionable disturbances, such as vibration, dust, and odors. Light Industry does not include processing from raw materials, such as but not limited to: asphalt, cement, charcoal, fuel briquettes, chemicals and related products which may be dangerous, offensive, or create nuisances; and processes, whether or not related to such production including but not limited to nitrating, milling, reduction, refining, melting, alloying and commercial distillation.

LOT: A parcel of land, whether owned or leased, which is occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one vacant lot of record is held in common ownership and said vacant lots are contiguous and less than the minimum size required in the zoning district, they shall, for purposes of this Law, be held as one lot or as many lots as shall leave no lot less than the minimum lot size required.

LOT AREA: The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets or alleys. The street or alley which shall be designated as the "Lot Frontage", as that term is defined hereinafter, shall be determined by the owner.

LOT COVERAGE: The portion of a lot that is covered by the maximum horizontal cross section of all principal and accessory buildings.

LOT DEPTH: The mean (average) horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, FLAG: A lot with two distinct parts:

(a) the flag, which is the only building site and is located behind another lot

(b) The pole, which connects the flag to the street, provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.

LOT FRONTAGE: A lot line, which is coincident with a street line.

LOT, INTERIOR: A lot which has no direct frontage on a public or private street, but which obtains access to such streets by way of a private driveway or access agreement across land owned by another party. The front lot line of an interior lot shall be considered that lot line where the driveway or access point enters the property. The front lot line shall be the line from which the building line and required front yard is established. The rear lot line shall be considered that lot line which runs generally parallel to and does not intersect with the front lot line.

LOT LINE: Any property line dividing one lot from another.

LOT, THROUGH: An interior lot having frontage on two approximately parallel or converging streets.

LOT WIDTH: The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

LUMBERYARD: A place for the storage and sale of building products.

MANUFACTURED HOME: A home that is built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code. Manufactured Homes will have the HUD plate attached to it. On-site additions, such as garages, decks and porches, often add to the attractiveness of manufactured homes and must be built to local, state or regional building codes. Also DWELLING, MANUFACTURED.

MANUFACTURED HOME PARK: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Also MANUFACTURED HOUSING SUBDIVISION.

MANUFACTURED HOUSING SUBDIVISION: See MANUFACTURED HOME PARK

MANUFACTURING: The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products.

MASSAGE: A method of treating the external part of the human body by rubbing, stroking, kneading, tapping, or vibrating with hand or any instrument.

MASSAGE ESTABLISHMENT: An establishment where massages are administered, excluding hospitals, nursing homes, medical clinics, offices of health care practitioners duly licensed in which massages are administered to the scalp, the face, the neck, or the shoulder.

MEMBERSHIP CLUB: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for

gain, provided that there are not conducted any vending stands, merchandising or commercial activities, except as required for the membership and purposes of such club. Also FRATERNAL LODGES.

MINE: An area of land upon which operations to extract valuable mineral deposits or other materials—typically, but not limited to, phosphate or sand—have been conducted, are being conducted, or are planned to be conducted.

MIXED USE: The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

MOBILE HOME: A manufactured home produced prior to June 15, 1976, when the HUD Code went into effect.

MODULAR HOME: A dwelling unit constructed on-site in accordance with the State and Local Codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Excludes MANUFACTURED HOMES as defined in this Article.

MOTEL: A building or group of detached or connected buildings designed or used primarily for providing transient sleeping accommodations where each accommodation unit maintains a separate outside entrance.

MOTORIZED VEHICLE RACE TRACK OR COURSE: A circuit, roadway, drag strip, path or similar layout utilized for testing, speed testing, speed contests or driving of any motorized vehicle, including but not limited to cars, trucks, snowmobiles, go-carts or any similar device whether open to the public or for private use but not including an accessory use to a primary residential use, solely for the recreational enjoyment of the residents of the parcel on which the use is conducted.

MOTOR VEHICLE: Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, vehicles which run only upon rails or tracks, snowmobiles and all terrain vehicles. The term motor vehicle shall exclude fire and police vehicles, farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

NIGHT CLUB: A drinking establishment which includes either an area in which patrons may dance, or which provides live entertainment other than by a single, instrumental musician or vocalist. Also BAR.

NON CONFORMING USE: The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the district in which the building or land is situated.

NURSING CARE, REST OR CONVALESCENT HOME: Any building other than a hospital where persons are housed or lodged and furnished with meals and nursing care for hire.

OFFICE, GENERAL: A building or portion of a building wherein services are performed involving predominantly administrative or clerical operations.

OFFICE, GOVERNMENTAL: A building owned, operated, or occupied by a local, state, or federal agency to provide a governmental service to the public such as a Town hall, fire station, or post office.

OFFICE, PROFESSIONAL: The use of office related spaces for such professional services that are provided by accountants, attorneys, architects, engineers, dentists, physicians and similar professionals.

OFF-SITE SIGN: A sign which is located on a parcel of land other than that parcel where the business, service or event advertised is located.

OUTDOOR DINING: The use of a restaurant which includes eating or service outside of the restaurant structure, whether covered or not.

OUTDOOR WOOD BOILERS: any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

PARK: Any land and/or associated structures created and maintained by a municipality for the express use and enjoyment by the general public for recreational purposes.

PLANNED DEVELOPMENT DISTRICT: A tract of land which is developed as a unit with a grouping of residential, commercial and/or industrial buildings, together with their accessory buildings and all appurtenant roadways, parking areas, loading areas, open and/or green spaces, and service buildings and facilities.

PLANNING BOARD: The agency empowered by the municipal legislative body under applicable New York State enabling legislation to act as the Planning Board of the Town of Greenville with respect to subdivision administration.

PUBLIC UTILITIES: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable, fiber optics, transportation, water, or sewage systems.

RECREATIONAL VEHICLE (RV) PARK: Any site, lot, field or tract of ground where two or more recreational vehicles are parked or located.

RELIGIOUS INSTITUTION: An institution that people regularly attend to participate in or hold religious services of any denomination, meetings, and other activities. This definition also includes the terms “PLACE OF RELIGIOUS WORSHIP,” “HOUSE OF WORSHIP,” “TEMPLE,” “MOSQUE,” and “CHURCH”.

RESEARCH AND DEVELOPMENT FACILITIES -- A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products.

RESORT: A building or group of buildings having individual sleeping units for hire which are designed primarily for travelers and/or vacationers which may include a restaurant on the premises, and have recreational facilities or other entertainment.

RESTAURANT: A business establishment whose principal business is the selling of prepared food to the customer in a ready-to-consume state. The term restaurant includes sit down restaurants, fast-food restaurants and take-out restaurants.

RETAIL ESTABLISHMENT: An establishment selling goods to the general public for personal and household consumption.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment. See also COMMERCIAL HORSE FARM.

RIGHT-OF-WAY: A strip of land between property lines open for use as a street, alley or crosswalk.

SCHOOL, PRIVATE: A private facility furnishing comprehensive curriculum of academic instruction similar to that of a public school on the, pre-kindergarten, kindergarten, primary and/or secondary level.

SCHOOL, PUBLIC: Any place offering instruction in any branch of knowledge under the supervision of the State of New York.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SERVICE ESTABLISHMENT, PERSONAL: An establishment primarily engaged in providing services involving the care of a person or his or her personal goods and apparel such as but not limited to beauty parlors, barber shops, shoe repair, tailor shops.

SETBACK: The distance from the lot line or edge of road, whichever is less, to the structure, building or use.

SEWAGE TREATMENT PLANT: Any plant or facility owned or maintained by any county, city, village, town, district, or by any state department agency or authority, or by any sewer company, corporation, person or group of persons, or by any industry or institution, which subjects sewage to a process for removing or altering the objectionable constituents of sewage for the purpose of making it less offensive or dangerous. It is intended to include a plant treating only domestic sewage. Plants consisting of the following treatment schemes are not considered sewage treatment plants.

1. Septic or settling tanks followed by subsurface leaching facilities with eventual discharge to the ground waters, regardless of design capacity.

2. Septic or settling tanks followed by open or covered intermittent sand filters, regardless of design capacity.

3. Any treatment unit which utilizes biological oxidation process for secondary treatment and is intended to include trickling filters, sand filters, oxidation or stabilization ponds, lagoons, or any device performing the same function, with a designated capacity of less than 50,000 gallons per day.

SHARED PARKING -- Two or more land uses or a multi-tenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

SHED: Any accessory structure used for storage or containment.

SHOPPING CENTER: A group of stores, shops and similar establishments occupying adjoining structures all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities.

SIDEWALKS: Any strip or section of concrete or granite or similar material, a minimum of five feet in width, the prime purpose of which is a walkway.

SIGN: Any material, structure or device, or part thereof, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any structure, including window display area, for display of an advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

SITE PLAN: A plan of a lot on which is shown topography, location of all buildings, structures, roads, rights-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SOLAR ARRAY, COMMERCIAL: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended to be utilized for any purpose other than private residential or agricultural use.

SOLAR ARRAY, PRIVATE: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended for and used solely by an individual/home or agricultural purpose.

SPECIAL USE: A use that would not be appropriate generally or without restriction throughout the zoning district but which is controlled as to the number, area, location or relation to the town would promote the public health safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the Planning Board finds that they meet the specific criteria provided in this Local Law for them.

STABLE: Any building or group of buildings with a sole function of the storage and/or raising of horses or livestock.

STREET: A public or private way, which affords the principal means of access to abutting properties, including any highway.

STORAGE FACILITY: A structure of no more than l0,000 square feet that is accessory to another use or is directly related and utilized by a business or organization that exists in the Town of Greenville and is used for warehousing. Excludes SELF-SERVICE STORAGE FACILITIES.

STRUCTURAL ALTERATION: Any change in either the supporting members of a building such as load bearing walls, columns, beams or girders or in the roof and exterior walls.

STRUCTURE: Anything built or constructed, including but not limited to, a building, bridge, dam, billboard, or tower. For purposes of minimum yard dimensions, structure shall not include fences or such things as swing sets, basketball hoops, etc.

SUBDIVIDER: Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into 2 or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

TATTOO PARLOR: A business where tattoos are applied to people. A tattoo parlor is not a retail business, service establishment or personal service establishment within the intent of this law.

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

THEATER: A building or part of a building devoted to the presentation of theatrical or other entertainment performances including the showing of motion pictures on a paid admission basis. Also CONCERT HALL.

THEATER, DRIVE-IN: An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

THIS LAW: Refers to the Town of Greenville, New York Land Development Code Zoning Local Law. Also LOCAL LAW.

TOWN BOARD - The Town Board of the Town of Greenville.

TOWN ENGINEER - The duly licensed professional engineer or registered architect of the Town of Greenville or, if there is no such official, a licensed professional engineer or registered architect employed by the Town Board for this purpose.

USE: The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, PERMITTED: A specific principal use of a building, structure, lot or land, or part thereof, which the code provides for a particular district as of right. Also PERMITTED USE

USE, PRINCIPAL: The main or primary purpose of which a building, structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under this code. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this code shall be considered an accessory use.

USE, PROHIBITED: Within a district, a use that is specifically disallowed. Said term shall not include the uses subject to a Special Use Permit in the particular district.

VARIANCE, AREA: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE: The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by Special Permit.

VETERINARY OFFICE: Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery, but not including boarding or kenneling.

WAREHOUSE: A building or part of a building for storing of goods, wares and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

WATERBODY: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

WATERCOURSE: Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or water segment. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes and reservoirs. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND: All areas that comprises hydric soils and/or are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by Federal Interagency Committee for Wetlands Delineation 1989; Federal Manual for Identifying and Delineating Jurisdictional Wetlands; United States Army Corp. of Engineers; United States Environmental Protection Agency; United States Fish and Wildlife Service; and U.S.D.A Soil Conservation Service, Washington D.C.; Cooperative Technical Publication. Wetland areas include vernal pools, wet meadows, marshes, swamp, bogs, and similar wet areas. Wetlands also include Jurisdictional and Non-Jurisdictional wetlands as defined by current policy of the United States Army Corp. of Engineers.

WETLAND/WATERCOURSE BUFFER: The wetland/watercourse buffer is a specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be subject to the regulations for wetlands and watercourses as defined in this ordinance.

WHOLESALE BUSINESS: An establishment or other place of business primarily engaged in selling and/or distributing merchandise to retailers to other wholesalers or to industrial or professional business users or primarily acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

WIND ENERGY FACILITY, COMMERCIAL (WIND FARM): An energy facility that consists of more than one utility scale wind turbines or other such devices producing greater than 100 kilowatts of rated capacity and their related or supporting facilities that produce electric power from wind. This definition does not include small wind energy systems or a single commercial energy system.

WIND ENERGY SYSTEM, SINGLE COMMERCIAL. A single, wind turbine producing greater than 100 kilowatts of rated capacity.

WIRELESS COMMUNICATION FACILITY: A structure or device utilized for the receiving and/or transmitting of radio signals, not enclosed within a building or structure, and any form of satellite receiving dishes. It shall specifically exclude customary VHF and UHF TV antennae and TV/Radio transmission towers licensed for public broadcast by the FCC. Also SATELLITE DISH

YARD: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Law.

YARD, FRONT: An open area on a lot situated between the main building and the front line of the lot extending the full width of the lot.

YARD, REAR: An open area on a lot extending from the rear lot line to a structure.

YARD, SIDE: An open area extending from the side lot line to a structure.

ZONING DISTRICT: A geographic subdivision of and within the Town as delineated on an official Zoning Map for which the requirements of this Law governing the uses, dimensional standards, etc., are uniform herein.

ARTICLE XIV: MISCELLANEOUS

A. Non-Interference and Precedence

This Local Law shall not interfere with, abrogate, annul or, repeal any ordinance or any rule, regulation, or permit previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically accepted, where this Law imposes greater restrictions its provisions shall control.

B. Violation

A violation of this Law is an offense punishable by a fine up to $10,000. Violations of this Law shall be deemed offenses and for such purposes only all provisions of law relating to offenses shall apply to such violations. Each week's violation shall constitute a separate additional violation.

C. Severability

If any article, sub-article, paragraph, clause, or other provision of this Law shall be held invalid, the invalidity of such article, sub-article, paragraph, clause, or other provision shall not affect any of the other provisions of this Law.

C. Amendments

The Town Board may amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing in accordance with Municipal Home Rule Law.

D. Coordination

In the months and years after a substantial revision to a Town's zoning law is adopted it is particularly important that there be close coordination between the Town Board, Planning Board and Zoning Board of Appeals to ensure that the new law is properly protecting the health, safety, morals and general welfare of the community. The regular and special meeting minutes of each board should be provided directly to each of the other boards and the chairs of each board should discuss any issues related to planning, zoning administration and enforcement. It is especially important that necessary clarifications to definitions and findings regarding materially similar uses that should be reflected on the Schedule A Table of Uses should be discussed with the Town Board as circumstances warrant and at least monthly. Effective Date

E. Effective Date

This Local Law shall take effect upon filing with the Department of State and be in force from and immediately upon such filing.