

**Site Plan Review Regulations
Town of Carlisle
State of New York**

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Design Standards

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**TOWN OF CARLISLE
SITE PLAN REVIEW REGULATIONS
DECLARATION OF POLICY**

A. INTRODUCTORY PROVISIONS

1. Title

These regulations shall be known as the “TOWN OF CARLISLE SITE PLAN REVIEW REGULATIONS.”

2. Intent and Purpose

The purposes of these regulations are to maintain the rural, natural, and scenic qualities of the Town of Carlisle by preserving farmland and significant open Lands while allowing landowners a reasonable return on their holdings.

Through site plan review, it is the intent of these regulations to promote the health, safety, and general welfare of the town. A clean wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

It is further the intent of these regulations to ensure the optimum overall conservation protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and guarding neighboring properties against intrusive development impacts.

3. Planning Board Authority to Review Site Plans

The Planning board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in these regulations.

4. Adoption by the Town Board

In order that site plans may be made in accordance with this policy, these regulations which shall be known as the “TOWN OF CARLISLE SITE PLAN REVIEW REGULATIONS” have been adopted by the Planning Board on the 14th day of September, 1993, and adopted by the Town Board on the 6th day of July, 1994.

B. APPLICABILITY

1. Uses Requiring Site Plan Approval

The creation of three (3) or more lots for residential use, or construction of three (3) or more dwelling units within a five-year period from or on a property or set of contiguous

properties in common ownership, within or partially within the Town, shall be allowed only by the Planning Board, in accordance with the criteria set forth in these regulations. All new developed land use activities within the town shall require site plan review and approval before being undertaken, except those specifically exempted in Sections 2 and 3 below. While not all inclusive, the following uses shall require site plan approval:

- a. Multi-family residential developments
- b. Cluster housing developments
- c. Planned Development Districts
- d. Home occupations
- e. Mobile home parks
- £ Retail establishments
- g. Professional offices
- h. Shopping centers and mini-malls
- i. Warehouse and industrial buildings
- j. Institutional buildings

2. Exempted Uses

The following land use activities are exempted from the requirements of these regulations:

- a. Construction of an individual one-family dwelling, accessory structures, and related land use activities.
- b. Repair or maintenance of existing structures or uses.
- c. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d. Incidental landscaping or grading.
- e. Individual mobile homes.
- f. Exterior alterations or additions 1) to an existing residential structure which do not substantially change its nature or use, and 2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than ten percent (10%) within any five (5) year period.
- g. Interior alterations that do not substantially change the nature or use of a commercial, industrial or residential structure. -
- h. Alterations to home occupations that do not increase the gross floor area of the existing structure by more than ten percent (10%).

3. Existing Uses and Structures

These regulations *do not apply* to uses and structures that are lawfully in existence as of the date these regulations become effective Any use that would otherwise be subject to these regulations, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of these regulations before such use is resumed.

Any use or structure shall be considered to be in existence provided such use or structure has started construction or has a valid permit prior to the effective date of these regulations and is fully constructed and completed within one year after the effective date of these regulations.

4. Uncertain Applicability

Any person uncertain of the applicability of these regulations to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

C. PROCEDURES

1. General Provisions

Any person, before undertaking any new land use activity at any location within the town for which these regulations require a site plan, shall submit a site plan together with appropriate supporting data to the Planning Board for review and approval in accordance with the standards and procedures set forth in these regulations.

The developer shall meet with the Planning Board with the plans to discuss the project. After obtaining all information deemed pertinent following public hearings and input from other sources, the Planning Board shall present their recommendations (if favorable and if a variance from these regulations is requested) to the Town Board, who will at their discretion grant or reject variances to allow the project to materialize.

All costs for outside expertise deemed necessary by the Planning Board, such as engineering studies and archeological surveys, will be borne by the developer. All outside expertise will be obtained from experts and other sources acceptable to the Planning Board, who will provide notice of such acceptance in writing to the applicant.

Development shall comply with all laws and regulations of the Town, County and all other municipalities and agencies. Buffer zones, open space, recreation areas and/or screening (by plantings and other means) shall be so designated by the Planning Board. Open space shall be preserved by whatever means the Town Board shall specify. Fees, bonding and procedures shall in accordance with those set forth by the town.

Cluster Housing. Proposed residential (one- or two-family dwellings) development of tracts in excess of twenty acres in size may, at the Planning Board's discretion and with the Town Board's approval, require the developer to place the dwelling units in such fashion on lots smaller than currently required by the Town with the remainder of the tract reserved as a perpetual open space district, in order to preserve open space in the Town for posterity for agricultural, recreational, scenic or other worthwhile purpose. In no case shall the number of dwellings exceed that which would be allowed under current subdivision regulations.

2. Sketch Plan

An informal conference between the applicant and the Planning Board is strongly encouraged prior to submission of a site plan application to review the proposed development in light of existing conditions and to determine the information to be required in the site plan. At the conference, the applicant shall provide either a verbal or written statement and a rough sketch describing what is proposed together with a USGS. (United States Geodetic Survey) topographic map showing the location of the building site and its relationship to the surrounding area.

3. Initial Review

At the sketch plan conference, the Planning Board will determine if the proposal is in conformity to an adopted Master Plan (if applicable), and to the extent feasible shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or should be modified before expenditures for more detailed planning are made. The Planning Board shall also review with the applicant submission requirement (Article C, Sections 5, 6, and 7) to determine what specific information is to be presented with the site plan.

4. Application for Site Plan Approval

To apply for site plan approval, an applicant shall complete a site plan application form and file it with the chairman of the Planning Board together with the site plan and application fee set by the Town Board. The chairman shall notify the Planning Board that such application has been filed and the date thereof.

5. Site Plan Submission Requirements

The site plan submitted for approval and supporting documentation is to include all of the following information, and any additional pertinent items requested by the Planning Board:

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

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

6. Less Intensive Review

The Planning Board may elect to conduct a less intensive review for minor types of projects that do not generate a significant amount of traffic and/or that have little or no adverse impacts to neighboring properties and uses. Certain requirements of Section 5 above for such proposed uses may be waived where warranted. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement along with the site plan application and supporting documents.

7. Specifications of Materials Submitted

a. *Site Map*: This shall be drawn at a scale specified by the Planning Board (generally not more than one hundred (100) feet to one inch nor less than fifty (50) feet to one inch) and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as watercourses, wetlands, wooded areas, areas subject to flooding, sink holes etc.

Note: Contour intervals of one (.1) or two (2) feet may be appropriate for maps of specific site features such as grading and drainage plans, parking areas, and building locations.

b. *Development Plan*: This is a detailed plan for the proposed development, drawn to a scale specified by the Planning Board (generally not more than one hundred (100) feet to one inch nor less than fifty (50) feet to one inch). The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provides a description and shows the location of sewage and water facilities; shows location of all signs; the location of proposed buffer areas; the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.

c. *Elevations and/or Sections*: Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan,

may be required by the Planning Board. The elevations and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.

d. *Engineering Plans*: The Planning Board may require, as appropriate and within reason, engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements confirmed by the engineer for the Town.

All costs for outside expertise deemed necessary by the Planning Board, such as engineering studies and archeological surveys, will be borne by the developer. All outside expertise will be obtained from experts and other sources acceptable to the Planning Board, who will provide notice of such acceptance in writing to the applicant.

8. Acceptance of Site Plan Application

The Planning Board shall, within sixty-two (62) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

9. Segmentation

The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

10. Referral to Other Agencies and Boards

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

b. *Required Referral*: Prior to taking final action on the site plan, and where applicable, the Planning Board shall refer the plan to the Schoharie County Planning Board for their review and approval pursuant to Section 239-rn of the General Municipal Law.

11. SEQR Compliance

The applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval.

12. Public Hearing on Site Plan

The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the Planning Boards acceptance of the site plan application and shall be advertised in the towns official newspaper at least five (5) days and not more than thirty (30) days before the hearing. Applicant shall be notified in writing at least ten (10) days prior to the hearing.

13. Planning Board Action on Site Plan

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

a. *Approval:* Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail.

b. *Approval with Modifications:* The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval, and after required modifications are made to the site plan, and after payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk.

c. *Disapproval:* Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Planning Board's reasons for disapproval.

14. Extension of Time to Render Decision

The time period in which the Planning Board must render its decision on the site plan may be extended by mutual written consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and board, shall constitute Planning Board approval of the site plan as submitted or last amended.

B. DESIGN STANDARDS

1. General Objectives

Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. The proposed development shall be visually compatible and in scale with the character of the community to the extent feasible. Vegetative screening shall separate commercial and industrial and other non-residential uses from residential properties.

Site development shall comply with the following objectives:

- a. Adequate and safe vehicular circulation between the site and street network.
- b. Safe and adequate interior site circulation, parking and loading facilities.
- c. Sites should be accessible with particular attention to access for emergency vehicles.
- d. Environmentally sensitive areas shall be protected and left undisturbed.
- e. Adequacy of stormwater and drainage facilities.
- f. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and setbacks, method of construction and restrictions on outside activities.
- g. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses.
- h. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors, or noxious and offensive uses, appropriate hours of operation.
- i. Absence of dangerous or hazardous activities.
- j. Landscaping and plantings may be required in such areas so designated by the Planning Board.

2. Lot Development Criteria

An application for site plan approval shall not be approved unless the proposed use meets the following minimum lot development standards:

a. General

- 1) Sites shall be able to adequately accommodate on-site waste treatment and water facilities unless central sewer and water service is provided.
- 2) Principal and accessory structures shall be set back a minimum of fifty (50) feet from private or public road rights-of-way, and from property lines.
- 3) Open uses, such as outdoor recreational facilities (eg swimming pools, ball fields, playgrounds, etc.) shall have a minimum set back of thirty (30) feet to any property line.

b. Environmental Considerations

In general, sites to be developed shall avoid areas where the following conditions are present:

- 1) slopes greater than fifteen percent (15%)
- 2) bedrock less than five (5) feet from the surface and areas of frequent rock outcrops
- 3) areas of high groundwater (seasonal or permanent)
- 4) soils with excessively slow or fast percolation (refer to Soil Survey Reports available from the Soil Conservation Service)

- 5) flood hazard areas
- 6) state regulated freshwater wetlands
- 7) fringes of water bodies or watercourses

c. Access Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary curb-cut permits from the jurisdictional permitting authority, e.g. state, county, or town highway departments (See Town of Carlisle Highway Law). In addition, the following access requirements shall apply:

- 1) Access drives shall be constructed and maintained so as to provide for emergency access.
- 2) In cases where sites have frontage on more than one road, the principal point of access shall be from the more secondary road whenever feasible.
- 3) There shall be a minimum distance of thirty five (35) feet between proposed and existing driveways on public roads.
- 4) Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
- 5) There shall be a maximum of two (2) driveway entrances/exits per developed lot.
- 6) No driveway centerline shall intersect a street line less than seventy (70) feet from the intersection of any two (2) roadways.
- 7) Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- 8) The minimum maintained width of driveway shall be eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.

E. GUARANTEE OF SITE IMPROVEMENTS

1. General Provisions

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

2. Performance Guarantee Options

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

- a. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans. Such bond shall be:
 - 1) based on an estimate furnished by the applicant,
 - 2) confirmed by the enforcement officer and/or engineer retained by the Town, and
 - 3) approved by the Planning Board

b Deposit certified check in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.

c Provide the town with a bank letter of credit that is of sufficient amount to cover up to one'; hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

3. Preservation in Perpetuity

a. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/tier agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.

b, Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.

c. Certified checks shall be made payable to The Town of Carlisle' and will be placed in an escrow account established by the town for this purpose.

d. Bank letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.

4. Extension of Time

The construction or installation of any improvements & facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the site plan Road improvements shall be completed within two (2) years from the date of approval of the site plan.

The applicant may request that the Planning Board grant an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) month, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

5. Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation.

When a performance bond has been issued pursuant to the preceding sections, it shall not be discharged until one year following the completion and inspection by the town of all construction and installation covered by the bond.

When a certified check has been issued pursuant to the preceding sections, each cost as listed may be repaid to the applicant upon completion and approval after inspection of

such improvement or installation. However, ten percent (10%) of the check deposits shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit.

6. Inspections

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the-Town Clerk the inspection fee (set annually by the Town Board). Inspections during the installation of improvements shall be made by the enforcement officer or engineer retained by the Town to assure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify' the enforcement officer when each phase of improvements is ready for inspection.

Upon acceptable final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

7. Phased Development

The Planning Board may further request, subject to Town Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, the entire performance bond or ten percent (10%) of the check deposit shall be withheld from the applicant until one year following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the enforcement officer.

F. PERMANENT OPEN SPACE

Open space set aside in a cluster subdivision or a conservation density subdivision shall be permanently preserved as required by this section. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement is placed on such land and provided that the Planning Board approves such configuration of open space.

1. Open Space Uses

Open space shall be preserved and maintained for one or more of the following uses, which shall be noted on the Plat for each open space subdivision.

- a. On parcels subject to Agricultural Protection regulations, open space shall be preserved principally for agriculture. Secondary open space uses include but are not limited to forestry, recreation, and conservation of water, plants, or wildlife, consistent with the purpose of these regulations. Land preserved for agricultural uses but not in active production shall, if required by the Town Board, be mowed at least once annually.

b On all other parcels, open space uses shall be appropriate to the site, including but not limited to passive and active recreation (including trail use), forestry and agriculture. When the principal purpose of preserving the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, mature forests, wildlife and plant habitats, and stream corridors, open space uses shall be limited to those which are no more intensive than passive recreation.

2. Notation on Plat

Open space created by the use of open space subdivisions must be clearly labeled on the Final Plat as to its use, ownership, management, method of preservation and the rights, if any, of the owners in the subdivision to such land. The Plat shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be filed to implement such reservations or restrictions.

3. Preservation in Perpetuity

a. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, active or passive recreation or protection of natural resources, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Town Board. Such conservation easement shall be reviewed and approved by the Town Board and be required as a condition of plat approval hereunder. The Town Board may require that such conservation easement be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall prohibit residential, industrial or commercial use of such open space land (except in connection with agriculture, forestry and recreation), and shall not be amenable to permit such use. The conservation easement shall be recorded in the County Clerks office prior to or simultaneously with the filing of the Open Space final plat in the County Clerks office. Notwithstanding the foregoing, the conservation easement may allow dwellings to be constructed on portions of the parcel that include protected open space land, provided that the total number of dwellings permitted by the conservation easement in the entire subdivision does not exceed the allowable density established in the current subdivision regulations.

b. Recognizing that a not-for-profit organization selected to hold a conservation easement may at some future time no longer be able or willing to enforce such a conservation easement, it is in the Town's interest to allow private enforcement of the restrictions contained in such a conservation easement. Further, because those residents of the Town living closest to the land protected by the conservation easement have the greatest interest in enforcing it, supplementing the conservation easement with a legal instrument providing for private enforcement of the restrictions of the conservation easement will help to ensure long-term compliance with such restrictions. Therefore, in addition to requiring a conservation easement in all cases as a condition of approval of any open space subdivision, the Town Board may also require the applicant to file in the County Clerks office a separate declaration of

restrictions or other legal instrument running with the land in perpetuity, conferring a private right of enforcement of the substantive restrictions of the conservation easement. Such declaration or other instrument shall contain the same restrictions as the conservation easement, and shall designate parties who may enforce such declaration or instrument all neighboring landowners whose property is contiguous to the proposed subdivision, including properties separated from the proposed subdivision by a public or private road or right-of-way.

4. Ownership of Open Space Land

a. Open space land may be owned in common by a homeowners' association (HOA), dedicated to the Town, County, or State governments subject to their approval, transferred to a non-profit organization acceptable to the Town Board, held in private ownership, or held in such other form of ownership as the Town Board finds adequate to fulfill the purposes of these regulations. The appropriate form of ownership shall be determined based upon the purposes of the open space reservation as stated pursuant to these regulations, with due consideration given to any impact on the tax base of the Town.

b. If the land is owned in common by an HOA, such BOA shall be established in accordance with the following:

- 1) The HOA must be set up before the lots are sold and must comply with all applicable provisions of the General Business Law;
- 2) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common Open Space, private roads and other common facilities;
- 3) The open space restrictions must be in perpetuity;
- 4) The BOA must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities and private roads;
- 5) Property owners must pay their pro rata share of costs in (4.) above, and the assessment levied by the HOA must be able to become a lien on the property;
- 6) The BOA must be able to adjust the assessment to meet changed needs;
- 7) The applicant shall make a conditional offer of dedication to the Town, binding on the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the property owners' association to take title to the open space from the applicant or other current owner, upon the dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes;
- 8) Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by protecting against individual owners in the HOA and the dwelling units they each own and
- 9) The Town Attorney shall find that the HOA documents presented satisfy conditions (1.) through (8.) above and such other conditions that the Town Board shall deem necessary.

5. Maintenance Standards

a. Ongoing maintenance standards shall be established by the Town against an owner of open space land as a condition of subdivision approval, to assure that the open space land does not detract from the character of the neighborhood. Such Maintenance standards may include the obligation to mow open fields to maintain their scenic character.

b If the Town Board finds that the open space set aside is being maintained in such a manner as to constitute a public nuisance, it may, upon thirty (30) days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the owner or, in the case of an HOA, the owners of the properties within the development, and shall, if unpaid, become a tax lien on said properties.

DESIGN STANDARDS

A. LOT DEVELOPMENT STANDARDS

1. Sewer and Water

No site development plan for any use shall be approved unless adequate provision is made for wastewater treatment and for clean potable water supply, as required for the use. The following standards must be met:

- a. All site development plans relating to water supply and wastewater treatment shall comply with applicable Health Department and state Department of Environmental Conservation standards.
- b. Where applicable, sewer system permits are required prior to issuance of the building permit for any site development.

2. Traffic and On-Site Circulation

a. General Provisions

- 1) Additional traffic generated together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
- 2) Where additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.
- 3) On-site circulation shall be designed to limit traffic hazards and to avoid conflicts between vehicles and pedestrians.
- 4) In order to minimize turning movements onto or from public roadways, the Planning Board shall encourage the interconnection of parking areas via access drives within and between adjacent commercial uses. Site plans should demonstrate a layout which would permit figure connections, if appropriate.
- 5) The minimum turning radius for all traffic circulation shall be sixty (60) feet.
- 6) The Planning Board shall require striping or other markings to facilitate on-site circulation and separate individual parking spaces, loading areas, pedestrian walkways, and entrances and exits in parking areas of six (6) spaces or more.

b. Pedestrian Circulation Systems

- 1) Where deemed necessary and appropriate, sidewalks may be required by the Planning Board. Examples of facilities where sidewalks may be required include:
 - (a) Multi-family residential developments
 - (b) Institutional buildings (e.g. schools)
 - (c) Public recreational facilities
 - (d) Shopping Center
- 2) Sidewalks shall be concrete unless otherwise specified by the Planning Board.
- 3) At the discretion of the Planning Board sidewalks shall be constructed and placed parallel to roadway(s). In such cases, a separation distance of five (5) feet shall be maintained between the roadway(s) and the pedestrian pathway(s) wherever possible.
- 4) Walkways shall be clearly identified within parking areas and for public roadway crossings with striping as necessary.

- c. Private Road Standards (See also Town of Carlisle Highway/Driveway Law)
 - 1) A private access drive serving four or more residences shall be classified, for the purpose of these regulations, as a private road.
 - 2) All private roads shall be constructed to town standards.
 - 3) Where two or more properties share a common private road for access, the Planning Board may recommend that the landowners enter into a maintenance agreement to provide for snow removal and general road upkeep. Such an agreement shall be approved by the Town Attorney.
 - 4) Private dead-end roads shall have a circular turn-around at their terminus with an outside diameter of at least one hundred (100) feet.
 - 5) Private roads shall not exceed a ten percent (10%) grade unless town standards provide otherwise.

3. Off-Street Parking and Loading

a. General

Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right-of-way and in such manner as to afford safe pedestrian access to buildings without traversing a traveled right-of-way.

b. Off-Street Parking

- 1) The minimum number of off-street parking spaces provided shall be as follows:

Use of Minimum Off-Street Parking Spaces

Multi-family residential dwellings, townhouses, and condominiums	2 for each dwelling unit, plus 1 additional for each 5 dwelling units
Home occupation	2 spaces for the residential use, plus 1 space per each 200 square feet of floor space of the home occupation
Place of worship, theater, auditorium, athletic field or other place of assembly	1 for each 4 seats or pew spaces or, in places without seats, 1 for each 100 square feet of floor space used for public assembly; 1 per 3 theater seats
Alternate care facilities, hospitals and nursing homes	1 per 1.5 beds for hospitals; 1 per 3 beds for alternate care facilities, plus one space for each estimated employee

Golf course, bowling alley	2 for each tee or alley
Centers of public amusement	1 per 200 square feet of floor space
Industrial areas and research and development laboratories	1 per 300 square feet
Retail or service business, less than 25,000 square feet	1 for each 100 square feet of gross floor area
Retail uses or commercial center greater than 25,000 square feet	1 for each 250 square feet
Restaurant	1 for each 2 seats
Professional Office	1 for each 300 square feet of gross floor area
Bank	1 for each 200 feet of gross floor area, plus 3 temporary waiting spaces of 16 feet each for each drive up window
Hotel/motel/inn, bed & breakfast	1 for each guest sleeping room, plus 1 for each 1.5 employees
Funeral home	1 space per 5 auditorium seats
Animal hospital or veterinary office	1 per 400 square feet of gross floor area
Gasoline filling stations and motor vehicle repair establishments	2 spaces per service bay

- 2) Where two (2) or more different uses occur on a single lot, the total amount of parking shall be the sum of the requirements for each individual use.
- 3) All required off-street parking spaces shall be used solely to park motor vehicles by residents, visitors, patrons or employees. There shall be no sale, repair, or storage of vehicles within off-street parking areas.
- 4) Reasonable and appropriate off-street parking requirements for structures and land uses that do not fall within the categories listed shall be determined in each case by the Planning Boards.
- 5) Adequate parking for handicapped persons shall be provided wherever required by law.

6) The Planning Board may require more or allow less parking in situations where the flexible application of these standards is appropriate.

7) Size of Parking Spaces

8) Each parking space shall be at least eight (8) feet wide and sixteen (16) feet long.

9) Handicapped parking spaces shall be at least ten (10) feet wide.

10) To the greatest extent possible, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall minimize any negative visual effect.

11) Parking areas of six (6) cars or more shall have oiled crushed stone, blacktop, or other appropriate surface and contain one (1) tree for every six (6) cars.

12) The maximum finished grade for parking areas shall not exceed three percent (3%).

13) All parking facilities shall be maintained throughout the duration of its use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands.

c. Off-Street Loading Requirements

Off-street loading and unloading facilities shall be provided for commercial or industrial uses of greater than six thousand (6,000) square feet as follows:

1) For retail service, or office businesses of six thousand (6,000) square feet, or more a minimum of one space for the first six thousand (6,000) square feet, plus one space for each additional ten thousand (10,000) Square feet of gross floor area.

2) For wholesale business, industry, storage, or warehouses where applicable, a minimum of one space for each establishment, plus one space for each additional eight thousand (8,000) square feet of gross floor are&

3) Each off-street loading space shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas.

4) Any loading dock facing a road front shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

4. Flood Hazard Areas

a. General

Construction in those areas designated on Flood Insurance Rate Maps as areas of special flood hazard, as defined by the 100-year floodplain boundary, shall be avoided or minimized. Disturbed areas shall be properly stabilized to prevent future damage from storms, heavy runoff and flooding. No on-site sewage disposal systems shall be placed within the 100-year flood limits. Wells may be located within the 100-year flood limit subject to the authority having jurisdiction.

b. Structures or disturbance within the 100-year flood boundary shall conform with the following standards:

1) Any obstruction of floodwaters, as well as any increase in potential for flooding on other properties, is prohibited.

2) New development shall not result in a rise in flood elevations on or off the site, either upstream or downstream.

- 3) Finished grade of the lowest habitable floor of a structure shall be at least one foot above base flood elevation.
- 4) No lakes, ponds, or natural areas which detain natural drainage flows shall be filled without approval from NI'S Department of Environmental Conservation or other appropriate permitting agency.
- 5) All structures shall be flood proofed and securely anchored unless otherwise exempted.

5. Freshwater Wetlands

a. General Provisions

Applicants for building permits that affect areas regulated by the New York State Department of Environmental Conservation (DEC) as freshwater wetlands shall comply with Article 24 and Title 23 of Article 71, Environmental Conservation Law. Freshwater wetland boundaries shall be flagged on the site by the DEC. The wetland boundary and a 100-foot protective buffer shall be indicated on site plans for properties with such wetlands. The plan shall bear the signature of the DEC officer responsible for the field flagging

b, The following minimum standards shall apply on sites with DEC regulated wetlands:

- 1) No construction within the wetland or 100-foot buffer.
- 2) Any disturbance shall require a DEC designated wetland disturbance permit
- 3) No sewage disposal systems shall be located within the freshwater wetland boundary or the 100-foot buffer zone.

6. Protection of Streams and Other Waterbodies

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without review as to the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and approval of such alteration shall be made by the Planning Board in consultation with the Soil Conservation Service and the DEC. Where the applicant must obtain a stream disturbance or discharge permit from the DEC, Planning Board approval shall be conditional on the DEC's permit approval.

7. Drainage, Grading, Erosion and Siltation

a. General

Development on sites with steep slopes (grades of fifteen percent (15%) or greater), streams, wet areas and wetlands, and soils subject to erosion and high runoff volume, shall be minimized wherever possible. Disturbance of any such areas shall be stabilized and reclaimed as much as possible during and after construction.

b. Purpose

The purpose of drainage, erosion and siltation control measures are:

- 1) To guide drainage and prevent increases in runoff on and off the site.
- 2) To prevent destruction and loss of soils on and off the site from increased runoff

- 3) To prevent siltation of waterbodies, watercourses and wet areas on and off the site and subsequent harm to or loss of aquatic plant and animal life.

c. Runoff Control

The Planning Board shall require the developer to provide a Storm Runoff Control Plan where site conditions warrant the preparation of such a plan. It shall be based on adequate topographic surveys, soils investigations and runoff projections. To the maximum extent possible, the following standards shall apply:

- 1) The natural drainage patterns on and off-site shall be used in their present state to the degree possible, and protected from disturbance.
- 2) Stormwater runoff shall be directed away from impervious surfaces and toward absorbent ground area.
- 3) The plan shall minimize blockage, collapse or washout, street drainage, or other hazards associated with drainage and spring runoff conditions.
- 4) Connection shall be made to existing stormwater runoff drainage systems, where feasible.

d. Scheduling and Phasing of Control Measures

The following criteria shall be used in planning stormwater runoff plans:

- 1) Control measures shall be designed for up to a 25-year frequency, 24-hour storm so that runoff flows will be released to adequate stable channels at a rate not to exceed conditions prior to soil disturbance.
- 2) Plans shall include estimated peak rates and volumes of runoff

e. Drainage Easements

Drainage easements to the Town of Carlisle for purposes of entering the property to monitor and maintain stream flow conditions though the project site shall be provided by the applicant and identified on the site plan. Notwithstanding such easements, a note shall be included on each site plan that All stormwater drainage system appurtenances and retention areas shall be maintained in a fully functional and safe condition by the owner.”

f. Grading

Grading shall be minimized to the extent possible on sites with slopes over fifteen percent (15%), streams, wet areas and wetlands, and soils subject to erosion and high runoff volume. There shall be no grading permitted on slopes greater than twenty-five percent (25%) without Planning Board approval.

- 1) A Land Grading Plan shall be prepared for all construction and development sites that involve grading. The plan should show grading proposed for both during and after construction.
- 2) The grading plan shall be based upon adequate topographic surveys and investigations, information about soil type, depth, properties and slope. Such plans shall show the location, slope, cut, fill and finish elevation of the surfaces to be graded. The plan shall also show the proposed methods for the disposal of runoff water, slope stabilization, erosion control and drainage The location of facilities such as waterways, ditches, diversions, grade stabilization structures, retaining walls and subsurface drains shall also be shown with reference to the Storm Runoff Control Plan.
- 3) The Land Grading Plan shall be based upon the following minimum criteria:

- (a) The cut face of earth excavations and fills shall be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance. Generally a 3:1 slope should be used unless specific engineering data shows a steeper slope is stable. For erosion control and maintenance, 3:1 slopes or less are desirable.
- (b) No excavation and filling operations shall effect adjoining property.
- (c) Land to be cut or filled should be cleared of trees, stumps, roots, brush, boulders, sod and debris.
- (d) Fill material should be free of sod, roots, frozen soil, or other decomposable material.
- (e) The permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement

8. Landscaping

a. General

MI portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with planting of trees and shrubbery. Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering and generally seek to blend the proposed use with the character of the town.

b. The following landscaping standards shall be met:

- 1) Landscaping shall be appropriate to the project and the natural vegetation cover shall be maintained where possible, to the extent that alterations in the site plan may be required.
- 2) A Landscape Plan shall include plant selection suitable for the specific site. Native species of plants shall be included in the plan whenever possible.
- 3) Healthy trees with diameters of twelve (12) inches or greater measured at chest height shall be marked on the plan and preserved to the extent possible.
- 4) Pedestrian pathways shall be covered with oiled crushed stone, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
- 5) Construction practice and planting specifications should follow ANSI 260.1 American Standards for Nursery Stock.
- 6) Maintenance of Natural Landscaping
Wherever possible, natural vegetation shall be maintained by appropriate construction practices and site layout.
- 7) Maintenance

MI planting shown on an approved landscape or site landscape or development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the plan's specifications.

c Screening/Buffering

A landscaped area may be required to screen and protect neighboring residential properties and passing motorists from the view of facilities, buildings, and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

- 1) Unless waived by the Planning Board, a minimum permanent vegetated buffer of a width of twenty (20) feet shall separate non-residential uses from adjacent

residential properties, or from the street. Plantings shall be indicated on the site plan and shall meet the following standards:

- (a) Plant materials shall be a minimum of six (6) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, evergreen plants/trees shall be spaced apart at distances no greater than ten (10) feet on center, staggered.
- (b) Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board, may be substituted for the required planting.
- (c) Modifications. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

9. Signs

a. General -

A sign on premises shall be permitted to advertise non-residential uses on site. Signs shall be of such design and construction so as to convey information with clarity and without disruption to the character of the community. Such signs shall conform to the following general design principles:

- 1) The lowest point of any hanging sign in a pedestrian circulation area should be at least seven and one-half (7-1/2) feet above the ground.
- 2) Signs should be a subordinate part of the local landscape and as small as practicable.
- 3) Signs should have a minimum of information in order to avoid clutter and confusion.
- 4) Whenever feasible, multiple signs should be combined into one to avoid clutter.
- 5) Signs which have dark background colors and light letters are preferred in order to minimize the apparent size of signs within the local landscape.
- 6) The source of illumination for any sign shall not be visible from any street, sidewalk or any other lot.
- 7) No sign shall be located so as to project into the public right-of-way or to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilating system or fire escape or to cause any other hazard to public safety.

b Exempt Signs

The following signs shall be exempt from requirements of this section:

- 1) Memorial or historical signs, names of buildings and dates of erection when cut or cast into masonry, bronze, stainless steel or similar permanent material.
- 2) Traffic or other municipal signs.
- 3) Legal notices or such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
- 4) A temporary farm produce sign not exceeding six (6) square feet.
- 5) Temporary non-illuminated signs on the premises for up to one year for the following purposes:
 - (a) Real estate "For Sale" or "For Rent" signs not exceeding six (6) square feet and located on the front wall of the building or if free standing, not nearer than ten (10) feet to any street or property line.

(b) Signs which announce anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a building or site under construction should not exceed twenty (20) square feet in area. Such sign shall be a minimum of ten (10) feet from a street line on the subject property.

6) Temporary off-premises directional signs for the convenience of the general public not exceeding two (2) square feet in area

7) Signs or bulletin boards customarily incidental to places of worship, libraries or museums, erected on the premises for purposes of displaying temporary public information notices, not exceeding fifteen (15) square feet in area.

c. Prohibitions

The following signs shall be prohibited unless otherwise exempted by the Planning Board:

1) Except for holiday seasons, grand openings and other special or temporary events, not to exceed thirty (30) days, no sign shall include or consist of pennants, ribbons, streamers, spinners or other moving, fluttering or revolving devices.

2) No sign shall contain flashing lights.

3) No revolving, moving or animated signs shall be permitted.

4) No permanent sign shall be erected on utility poles, trees or other natural features of the site.

5) No advertising billboards shall be allowed on site for a proposed use.

6) No temporary, movable signs, except for holiday seasons, grand openings, and other special events, not to exceed sixty (60) days, shall be allowed

d. Free-Standing Signs

All free standing signs shall comply with the following standards:

1) Only one free-standing sign, which may be double-faced, shall be permitted for the primary frontage of a property on a public street. Not more than one free-standing sign shall be permitted for each business structure regardless of the number of stores housed therein.

2) All signs should be erected a minimum of fifteen (15) feet from any street line.

3) The maximum height for free-standing signs, unless otherwise indicated, shall be fifteen (15) feet. For any additional increase in height the setback shall increase proportionately.

4) Except for uses specified in this code, a sign face shall not exceed an area of thirty-two (32) square feet.

e. Building Signs

Signs attached to a building shall conform to the following standards:

1) The maximum area shall be equal to the width of the building front times one foot, but in no case shall the sign area exceed ten percent (10%) of the building face area.

2) Signs shall not project above the highest point along the face of the building.

3) Ironic signs, such as barber poles, eye glasses, etc., which are traditional in appearance and size should not extend more than two (2) feet from a building wall nor occupy a space of more than fifteen (5) square feet when viewed from any angle.

4) One sign not exceeding four (4) square feet in area may be hung under a roof overhang perpendicular to each store front in a shopping center.

5) Directional signs for pedestrian and traffic control should not exceed four (4) square feet in area each

10. Utilities/Lighting

- a. In all multi-family residential developments of twenty (20) units or more, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, and wiring for street lights.
- b. Reasonable provision shall be made for extension of utilities to adjoining properties, including installation of water gates and manholes if necessary, and the granting and recording of easements as required.
- c. Lighting

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting shall conform to the following standards:

- 1) Lighting fixtures shall be a type approved by the Planning Board and in compliance with existing state and local regulations.
- 2) All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.
- 3) The style of the light and light standard should be consistent with the architectural style of the building.
- 4) The maximum height of free standing lights should not exceed twenty (20) feet.
- 5) The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed, unless the Planning Board determines in certain situations that this requirement is unfeasible.

11. Solid Waste Disposal

- a. Provision for safe and sanitary storage and disposal of anticipated solid and process waste shall be shown and/or described on the site plan.
- b. Waste containers shall be effectively screened from public view and view from adjacent properties.

B. STANDARDS FOR SPECIFIC USES

1. Home Occupations and Non-Highway Commercial Businesses The following standards shall apply to home occupations as well as to non-highway commercial business uses:

- a. Home occupations must be incidental to the use of the dwelling unit for residential purposes.
- b. No greater percentage of the total floor area (heated, habitable space) of the dwelling unit may be used for home occupation purposes than that allowed by state building codes.
- c. Unaltered, existing accessory structures may be used for home occupation purposes in compliance with existing change-of-use regulations.
- d. One unanimated, non-illuminated sign of not more than four (4) square feet shall be allowed. There shall be no other exterior evidence of the home occupation.
- e. No offensive noise, vibration, dust or odor, heat or glare shall be produced. f. Business operating hours should be set so as not to adversely affect adjacent uses.

- g. Adequate off-street parking must be provided. At a minimum, there shall be two (2) spaces for the residential use, plus one space for each two hundred (200) square feet of floor space of the home occupation.
- h. Parking areas of six (6) cars or more shall have oiled crushed stone, blacktop or other aggregate surface and shall be appropriately landscaped to provide screening from adjacent properties.
- i. Off-street parking and loading shall accommodate ingress and egress of any supply or service vehicles to the home occupation without obstructing traffic.

2. Junkyards

(See Local Laws ‘Dumps and Dumping’, ‘Junk Motor Vehicle’)

3. Highway Commercial

Property to be developed as a highway commercial use shall be developed in accordance with the following minimum standards:

- a. Total property coverage of impervious surface shall not be greater than fifty percent (50%)
- b. Access, off-street parking and on-site circulation shall be provided such that:
 - 1) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 2) Adequate off-street parking must be provided which shall consist of one Parking space per two hundred (200) square feet of gross floor area.
 - 3) Minimum dimensions of parking spaces shall be eight (8) by sixteen (16) feet.
 - 4) Curbing may be required along frontage to delineate access points.
 - 5) Maximum grade of access drives shall be eight percent (8%), and three percent (3%) for parking areas.
 - 6) Parking areas of six (6) cars or more shall have oiled crushed stone, blacktop, or other appropriate surface and contain one (1) tree per each six (6) cars.
 - 7) Stacking lanes should be required for all uses that involve drive-up customer services such as bank window tellers, fast food restaurants, car washes, etc. to avoid any stacking of vehicles in public right-of-ways.
 - 8) Parking areas shall be located to sides or rear of the business.
 - 9) The Planning Board shall require the applicant to provide an appropriate number of handicapped parking spaces.
- c. Traffic considerations:
 - 1) The site development plan shall assure that additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development
 - 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.
- d Signs
 - 1) One 2-sided, free-standing sign shall be allowed per individual business contained in a single detached building. The face of the building may include a sign of an area of no greater than ten percent (10%) of the building face area.

- 2) Free-standing signs shall conform to the following design standards:
 - (a) Area of each side is not to exceed thirty-two (32) square feet.
 - (b) Height from base elevation is not to exceed fifteen (15) feet.
 - (c) Minimum setback of fifteen (15) feet from any street line.
 - e. All exterior lighting shall be of such type and location for the specific use with minimum or no noticeable effects on neighboring properties. Shading shall be provided to prevent the light source from being seen beyond the boundaries of the lot upon which it is located.
 - f. Adequate provision shall be made for sewage treatment, water supply, and solid waste disposal.
 - g. Development shall be in accordance with the following environmental considerations:
 - 1) Development in flood hazard areas and wetlands should be avoided or minimized, or shall be designed to prevent flood water obstruction or damage.
 - 2) Development shall maintain appropriate separation distances from streams, wetland and other waterbodies such that ground or surface waters will not be adversely affected by runoff or other site development impacts.
 - 3) Appropriate drainage, erosion and siltation control measures shall be used to prevent and minimize on and off-site disturbance to soils, slopes and waterbodies/watercourses.
- It At a minimum, the following landscaping and buffering standards shall apply:
- 1) Retention of existing vegetation and trees to the greatest extent possible.
 - 2) Along a property line facing a residential property a twenty (20) foot wide buffer strip of evergreen planting shall be provided to effectively screen the commercial use from view.
 - 3) Along road frontage, a twenty (20) foot wide, landscaped buffer shall be provided where feasible. Such buffer shall be designed so as not to obstruct sight distance at the road access. Plant materials shall be a minimum of six (6) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, evergreen plants/trees shall be spaced apart at distances no greater than ten (10) feet on center, staggered.

4. Shopping Centers (including mini-malls)

Shopping centers shall comply with the following minimum standards:

- a- Total property coverage of impervious surface shall not be greater than fifty percent (50%).
- b Access, on-site circulation, off-street parking and loading shall be provided such that:
 - 1) Parking and traffic circulation should -include appropriate signage and striping to direct traffic on and off-site.
 - 2) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 3) Parking spaces shall have minimum dimensions of eight (8) by sixteen (16) feet.
 - 4) There shall be one parking space per two hundred (200) square feet of gross floor area.

- 5) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more. One tree within the parking area shall be provided for each six (6) parking spaces.
 - 6) Maximum grade of off-street parking shall be three percent (3%).
 - 7) Access points shall be limited to two (2) on the primary road frontage area inclusive of one-way access points for ingress and egress. One additional drive may be permitted on each secondary road frontage area of the lot.
 - 8) Where the principal highway serving the shopping center is at or near capacity, access should be encouraged onto a secondary highway
 - 9) Curbing shall be provided along frontage to delineate access point&
 - 10) Architectural design and height must be harmonious with surrounding structures
 - 11) Access drives shall not exceed ten percent (10%) grade unless otherwise approved by the Planning Board.
 - 12) An adequate number of parking spaces to accommodate handicapped persons shall be provided.
- c. On-site circulation shall be designed to avoid conflict between vehicles and pedestrians for the various stores. In addition:
- 1) Internal directional signs shall be provided as appropriate.
 - 2) Areas adequate for snow storage shall be provided without interfering with required parking spaces.
 - 3) Adequate lighting shall be required to provide for safe on-site circulation and for evening security purposes.
- d . The site development plan should address traffic impacts and assure that:
- 1) Additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
 - 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.
- e One 2-sided, free-standing sign shall be allowed for shopping centers. The sign may contain the name of each tenant of the center In addition, one identification sign (wall-mounted) shall be permitted on each building.
- 1) Free-standing signs should conform to the following standards:
 - (a) All signs should be erected a minimum of fifteen (15) feet from any street line
 - (b) The maximum height for free-standing signs, unless otherwise indicated and approved by the Planning Board, shall be fifteen (15) feet.
 - (c) In no case shall a sign face exceed an area of thirty-two (32) square feet
 - 2) Identification signs (wall mounted) shall conform to the following standards:
 - (a) The maximum area shall be equal to the width of the building front times one foot but in no case shall the sign area exceed ten percent (10%) of the building face area.
 - (b) Signs shall not project above the highest point along the face of the building.
 - (c) One sign not exceeding four (4) square feet in area may be hung under a roof overhang perpendicular to each store front in a shopping center.

- f. Directional signs for pedestrian and traffic control should not exceed four (4) square feet in area per each sign.
- g. The location of proposed dumpsters shall be indicated. Dumpsters shall be enclosed, screened and located where their use will not interfere with traffic circulation.
- h. Landscaping and screening/buffering requirements shall be provided as follows:
 - 1) Use of existing vegetation to the greatest extent possible
 - 2) Along a property line facing a residential property, a twenty (20) foot wide buffer strip of evergreen planting shall be provided to effectively screen the commercial use from view.
 - 3) Along road frontage a twenty (20) foot wide buffer of landscaping shall be provided but shall be designed not to obstruct sight distance at the road access.
- i. Drainage.

A system of culverts, catchbasins, diversion channels or other drainage structures shall be constructed to control storm runoff and prevent any increases in off-site flows. The design of grading, erosion and siltation controls shall be delineated in the Runoff Control Plan.
- j. Adequate provision shall be made for sewage treatment, water supply, and solid waste disposal.
- k. All exterior lighting shall be of such type and location for the specific use with minimal or no noticeable effects on neighboring properties. Shading shall be provided to prevent the light source from being seen beyond the boundaries of the lot upon which it is located.
- l. Development shall be in accordance with the following environmental standards:
 - 1) Development in flood hazard areas and wetlands should be avoided or minimized, or shall be designed to prevent flood water obstruction or damage.
 - 2) Development shall maintain appropriate separation distances from streams, wetland and other waterbodies such that ground or surface waters will not be adversely affected by runoff or other site development impacts.
 - 3) Appropriate drainage, erosion and siltation control measures shall be used to prevent and minimize on and off-site disturbance to soils, slopes and waterbodies/watercourses.
 - 4) Permits must be obtained from NYS Department of Environmental Conservation and all applicable permitting agencies.

5. Mobile Home Parks

(See Carlisle Regulations “Mobile Home Parks”; and “Mobile Home Pad Construction”)

6. Multi-Family Dwellings

Standards for multi-family dwellings shall be as follows:

- a. The maximum impervious surface area coverage, excluding paved area for recreational facilities such as a basketball or tennis court or a pool, shall be fifty percent (50%).
- b. The maximum building area coverage shall be twenty-five percent (25%).
- c. Construction on slopes or ridgelines shall be limited to thirty-five (35) feet in height and shall not break the natural tree line.

- d. Parking. Paved off-street parking areas shall be provided as follows:
- 1) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 2) Dimensions of parking spaces shall be eight (8) by sixteen (16) feet.
 - 3) Two (2) parking spaces per dwelling unit shall be required, plus one additional space for each five (5) dwelling units.
 - 4) Parking and traffic circulation should include appropriate signage and striping to direct traffic on and off-site.
 - 5) Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other apartment building(s).
 - 6) Parking areas are to be behind front line of building.
- e. Buffer areas shall be used to separate the residential units from the recreational areas and to maintain natural areas between multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, and changes in grade.
- f. Landscaping and screening shall conform to the following minimum standards:
- 1) Use of existing vegetation to the greatest extent possible.
 - 2) Along road frontage, a twenty (20) foot wide landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
 - 3) Units shall be sited for maximum preservation of mature trees (trees of twelve (12) inches or more in diameter).
 - 4) Clear cutting of the site area is prohibited.
- g. Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following standards:
- 1) All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and to conform to existing architecture.
 - 2) The maximum height of free-standing lights should not exceed twenty (20) feet
 - 3) The source of the lights shall be shielded or heated such that it shall not be visible outside the boundaries of the parcel being developed.
- h. The Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas, and wiring for street lights. In multi-family residential developments of twenty (20) units or more, such utilities shall be placed underground.
- i. Solid waste receptacles shall be provided of adequate capacity for the maximum number of residents (approximately 5 lb/day/resident). Receptacles shall be screened from view by fencing or landscaping and properly emptied to prevent odor and unsanitary conditions.
- j. Drainage A system of ditches, gutters, catch basins or other drainage structures shall be constructed to control storm runoff and prevent any increases in off-site flows. The design of grading, erosion and siltation controls shall be delineated in the Runoff Control Plan.
- k. Development shall be in accordance with the following additional environmental considerations:
- 1) Development in flood hazard areas and wetlands should be avoided or minimized, or shall be designed to prevent flood water obstruction or damage

- 2) Development shall maintain appropriate separation distances from streams wetland and other waterbodies such that ground or surface waters will not be adversely affected by runoff or other site development impacts.
 - 3) Appropriate drainage, erosion and siltation control measures shall be used to prevent and minimize on and off-site disturbance to soils, slopes and waterbodies/watercourses.
1. Snow storage areas shall be indicated on the site plan and shall not interfere with required parking or traffic circulation.
 - m. There shall be adequate provision for firefighting. The applicant shall provide water storage facilities (either water storage tanks or surface ponds) to assure the required water quantity will be readily available, and that such water will be provided at pressures required for firefighting purposes.
 - n. Central water and sewer systems shall be required and shall conform with applicable Department of Health and/or State Department of Environmental Conservation standards.
 - o. Internal Road System. Road standards for multi-family developments shall be in conformance with the following standards:
 - 1) A looped road system or a road network with two (2) separate access points shall be provided for developments of more than fifteen (15) dwelling units.
 - 2) Internal circulation system shall be able to accommodate all service and emergency vehicles and shall provide for year-round access.
 - 3) Private roads within a multi-family development shall not exceed a grade often percent (10%) unless town standards provide otherwise.
 - p. The projects traffic impact on the roads that serve it shall be mitigated to the degree possible and shall be developed according to the following standards:
 - 1) The site development plan shall assure that additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development,
 - 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.
 - q. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs should conform to the following standards:
 - 1) No moving pans, flashing lights or exposed neon tubing shall be allowed.
 - 2) Maximum height for each two (2) sided, freestanding entrance sign, from base elevation, shall be no greater than six (6) feet.
 - 3) Maximum area of one side or face of a sign shall not exceed ten (10) square feet.
 - 4) All signs should be erected a minimum of fifteen (15) feet from any street line.

7. Industrial Uses

Property to be developed for industrial uses shall be developed in accordance with the following standards:

a. New development shall comply with the following maximum lot area coverage requirements:

Maximum lot coverage by buildings	25%
Maximum lot coverage by impervious surface & building	50%
Maximum lot area allowed for accessory outdoor storage	15%

b. Landscaping and screening shall be provided as follows:

- 1) Existing vegetation shall be used to the greatest extent possible.
- 2) Along a property line facing a residential property a twenty (20) foot wide buffer strip of evergreen planting shall be provided to effectively screen the industrial use from view.
- 3) Along road frontage a twenty (20) foot wide buffer of landscaping shall be provided and designed so as not to obstruct sight distance at points of access.

c. The site development plan should address traffic impacts and assure that:

- 1) Additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development
- 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvement as a condition of site plan approval, or to reduce the size or density of the proposed development.

d. The following off-street loading standards shall be met by the applicant unless otherwise exempted by the Planning Board:

- 1) There shall be a minimum of one off-street loading space, plus one space for each additional eight thousand (8,000) square feet of gross floor area.
- 2) Each off-street loading space shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas.
- 3) No loading dock shall face a public highway.

e. Development shall be in accordance with the following environmental considerations:

- 1) Development in flood hazard areas and wetlands should be avoided or minimized, or shall be designed to prevent flood water obstruction or damage.
- 2) Development shall maintain appropriate distances from streams, wetland and other waterbodies such that ground or surface waters will not be adversely affected by runoff or other site development impacts
- 3) Appropriate drainage, erosion and siltation control measures shall be used to prevent and minimize on and off-site disturbance to soils, slopes and waterbodies/watercourses.
- 4) Permits must be obtained from NYS Department of Environmental Conservation and all applicable permitting agencies & — f Minimal or no offensive noise, vibration, dust, odor, heat, or glare shall be felt on adjacent properties.

g. No material shall be stored within a public road right-of-way or within twenty-five (25) feet of an adjacent property line.

- h. Access drives shall be finished with a surface that will assure that it will be maintained free of dust and debris, Surface materials may include oil and chip, compact gravel, or blacktop.
- i. All exterior lighting shall be of such type and location appropriate for the specific use with minimal or no noticeable effects on neighboring properties. Shading shall prevent the light source from being seen beyond the boundaries of the lot upon which it is located.

8. Telecommunications Towers

a. Applicability:

- 1) No telecommunication tower as defined in Section 0. of this law shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these standards and procedures. No existing structure shall be modified to serve as a telecommunication tower unless in conformity with these standards and procedures.
- 2) The standards and procedures shall apply to all property within the Town of Carlisle.

b. Shared Use of Existing Tall Structures or Existing or Approved Towers:

At all times, shared use of existing tall structures (for example industrial structures, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers shall be strongly preferred to the construction of new towers.

- 1) An applicant proposing to share use of an existing tall structure or existing or approved tower shall be required to submit:
 - (i) a completed application for site plan review.
 - (ii) documentation of intent from the owner of the existing facility to allow shared use.
 - (iii) a site plan. The site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. In cases where shared use of an existing tall structure is proposed, any methods used to conceal this modification of the existing facility, shall be indicated on the site plan.
 - (iv) a report of a licensed professional engineer certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, or existing or approved tower, and explaining what modifications, if any, will be required in order to certify to the above.
 - (v) a completed long form EPF And a completed visual EAF addendum. (vi) a copy of its Federal communications commission (FCC) license.
- 2) If an applicant proposing to share use of an existing tall structure, or existing or approved tower, submits complete and satisfactory documentation in accordance with subsection bi) above, and if modifications indicated according to subsection b.l) are deemed insignificant by the Planning Board, the Planning Board shall grant site plan approval without further review under this section. If the Planning Board determines that any modifications indicated according to subsection b. I) are significant, it may require further review according to sections g. through s. below.

c New Communication Tower:

The Planning Board may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance (both within and outside of this municipality) of the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each

existing tall structure and existing or approved tower as well as documentation of the physical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

d. Shared Usage of an Existing Tower Site for New Tower:

Where shared use of existing tall structures, and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with section c. above. Any new telecommunication tower proposed for an existing tower site shall also be subject to the requirements of section f. through section s. below.

e. New Tower at a New Location:

The Planning Board may consider a new telecommunication tower on a site not previously developed with an existing tower when an applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical ‘ and submits a report as described in section c. above; and when the Planning Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant’s investigation in accordance with section d. Any proposed new telecommunication tower shall also be subject to the requirements of section f. through section s. below.

f. Future Shared Use of New Towers:

The applicant may be required to design a proposed new telecommunication tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Planning Board a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers or users in the future. This letter, which shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new tower owner and his/her successors in interest to:

1. Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
2. Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers or users.
3. Allow shared use of the new tower if another telecommunications provider or user agrees in writing to pay charges.
4. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and- maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

g. Site Plan Review:

Submission Requirements

1. An applicant shall be required to submit a Site plan in accordance with Section C: PROCEDURES. In addition to those items required by Section C: PROCEDURES, the site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
2. Supporting Documentation: The Planning Board shall require that the site plan include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board shall also require a copy of the applicants Federal Communications Commission (FCC) license.

h. Lot Size and Setbacks:

All proposed telecommunication towers and accessory structures shall be setback from abutting parcels, established hiking trails, recorded rights of way, and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

1. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements.
- 2 Telecommunication Towers shall be located with a minimum setback from any property line equal to one and one-half (1 1/2) times the height of the tower, or one hundred (100) feet, whichever is greater.

i. Visual Impact Assessment:

The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new tower, or any proposed modification of an existing tower, unless the modification is deemed by the Planning Board to be insignificant pursuant to subsection b. 2) above. The visual impact assessment shall include:

1. A Zone of Visibility Map” shall be provided in order to determine locations where the tower may be seen.
2. Pictorial representations of before and after” views from key viewpoints both inside and outside of the town including, but not limited to,: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Planning Board shall determine the appropriate key sites at a pre-submission conference with the applicant.
3. Assessment of alternative tower designs and color schemes, as described in section j. below.
4. Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and roads.

j. New Tower Design:

Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of proposed new tower shall comply with the following:

1. The Planning Board may require that any new tower be designed to accommodate future shared use by other telecommunications providers and users.

2. Unless specifically required by other regulations, all towers shall have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact. If a painted finish is required, said painted finish shall thereafter be maintained and repainted as required to minimize the visual impact.

3 The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, State, and/or federal law and/or regulation, under unique Circumstances, the Planning Board at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.

4, The Planning Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.

5. Accessory structures and attachments to towers shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings

5. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to; company name, phone numbers, banners, and streamers.

k. Existing Vegetation:

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to site plan approval.

l. Screening:

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including roads, screening shall be required.

m. Access:

Adequate emergency and service access plans shall be provided, Maximum use of existing roads, public or private, shall be made. Road construction 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 (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

n. Parking:

Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.

o. Fencing:

Sites of proposed new towers and sites where modifications to existing towers are proposed, shall be adequately enclosed by a fence, design of which shall be approved by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility. The Planning Board may

require signage to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

p. Removal:

The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the tower. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section). obsolete or unused towers and accessory structures shall be removed from any site within four (4) months of such notification Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations, shall be a violation of this Local Law and shall be punishable according to Section 1,3.

q. Inter-municipal Notification for New Towers:

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tower structure or existing telecommunications tower in a neighboring municipality be considered for shared use, the Planning Board shall require that:

1. An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders the Town of Carlisle, and the Schharie County Planning Commission. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.
2. Documentation of this notification shall be submitted to the Planning Board at the time of application.

r. Notification of Nearby Landowners:

The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is abutting or located within five hundred (500) feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Planning Board prior to the public hearing.

s. General Public Liability insurance:

A policy of General Public Liability insurance shall be obtained by the applicant at the time that site plan review is approved. The policy shall be obtained from an insurance company licensed to do business in the State of New York. The policy shall be in the amount of at least \$3,000,000.00 per occurrence. A certificate of insurance shall be presented to the Planning Board at the time of final approval, showing the Town of Carlisle as an additional insured. Said insurance coverage shall be maintained until such time as the telecommunication tower has been removed.

t. Severability Clause:

If any clause, sentence, paragraph section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

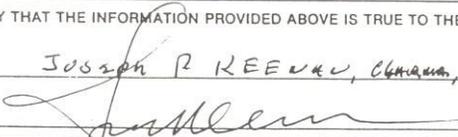
u. Effective Date:

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

PROJECT I.D. NUMBER

SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <u>TOWN OF CARLISLE</u>		2. PROJECT NAME <u>AMENDMENT TO SITE PLAN REVIEW REGULATION "REVIEW OF TELECOMMUNICATIONS TOWERS"</u>	
3. PROJECT LOCATION: Municipality <u>TOWN OF CARLISLE</u> County <u>SCHOENAUER</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>ALL OF TOWNSHIP</u>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <u>AMEND SITE PLAN REVIEW REGULATION</u>			
7. AMOUNT OF LAND AFFECTED: Initially <u>21,868.8</u> acres Ultimately <u>21,868.8</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly <u>N.A.</u>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: <u>N.A.</u>			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <u>N.A.</u>			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>Joseph P. KEEVIL, Chairman, Planning Bd</u>		Date: <u>11/10/95</u>	
Signature: 			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**AMENDING SITE PLAN REVIEW REGULATIONS
BY ESTABLISHING PROCEDURES FOR THE
REVIEW OF TELECOMMUNICATIONS TOWERS**

I. Title of Registration: Findings, Intent and Purposes.

This Regulation shall be referred to as the ‘Amendment to the Site Plan Review Regulation of the Town of Carlisle Establishing Standards and Procedures for the Site Plan Review of Telecommunications Towers in the Town of Carlisle’.

Findings, Intent and Purposes.

The Town Board of the Town of Carlisle finds a growing need for personal wireless service facilities and commercial mobile radio service facilities, as defined in Section 704 of the Telecommunications Act of 1996, based on an increase in demand to locate these facilities in the Town. Prior to the adoption of this Regulation, no specific procedures existed to address recurrent issues related to siting personal wireless service facilities and commercial mobile radio service facilities. Accordingly, the Town Board finds that the promulgation of this Regulation is necessary to direct the location, construction and maintenance of these facilities.

The purpose of this Regulation is to promote the health, safety and general welfare of the residents of the Town through the establishment of minimum standards to reduce the adverse visual effects of personal wireless service facility and commercial mobile radio service facilities transmission towers and antennas through careful design, siting and screening; to protect property values; to protect the physical appearance of the community and to preserve its scenic and natural beauty; to avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of structures; to ensure that the residents of the Town are adequately served by personal wireless services and commercial mobile radio service facilities technology; to protect a citizens’s ability to receive communication signals without interference from other communication providers while preserving competition among communications providers; and to maximize the use of existing towers or antenna host sites within prescribed districts so as to minimize the number and visual impact of towers needed to serve the Town.

2. Amendment of the-Site Plan Review Regulation of the Town of Carlisle.

Part B. APPLICABILITY: I.Uses Requiring Site Plan Approval is amended by adding the following:

k. Telecommunication Towers.

3. G. DEFINITIONS is amended by adding the following definition:

Telecommunications Tower: Any structure greater than thirty-five (35) feet in height, which is capable of receiving and/or transmitting signals (for the purpose of communications).

4. A new Section is added to DESIGN STANDARDS, part B. STANDARDS FOR SPECIFIC USES Entitled: 8. Telecommunications Towers, as follows:

8. Telecommunications Towers.

a. Applicability:

1) No telecommunication tower as defined in Section G. of this Regulation shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these standards and procedures. No existing structure shall be modified to serve as a telecommunication tower unless in conformity with these standards and procedures.

2) The standards and procedures shall apply to all property within the Town of Carlisle.

b. Shared Use of Existing Tall Structures or Existing or Approved Towers:

At all times, shared use of existing tall structures (for example industrial structures, multi-story buildings, church steeples, farm silos, etc.) and existing or approved towers shall be strongly preferred to the construction of new towers.

1) An applicant proposing to share use of an existing tall structure or existing or approved tower shall be required to submit:

(i) a completed application for site plan review.

(ii) documentation of intent from the owner of the existing facility to allow shared use.

(iii) a site plan. The site plan shall show all existing and proposed structures and improvements including roads, buildings, tower(s), guy wire(s) and anchors, parking and landscaping and shall include grading plans for new facilities and roads. In cases where shared use of an existing tall structure is proposed, any methods used to conceal this modification of the existing facility, shall be indicated on the site plan.

(iv) a report of a licensed professional engineer certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, or existing or approved tower, and explaining what modifications, if any, will be required in order to certify to the above.

(v) a completed long form EAF And a completed visual EAF addendum

(vi) a copy of its Federal communications commission (FCC) license.

2) Wan applicant proposing to share use of an existing tall structure, or existing or approved tower, submits complete and satisfactory documentation in accordance with subsection b. I) above, and if modifications indicated according to subsection bi) are deemed insignificant by the Planning Board, the Planningboard shall grant site plan approval without further review under this section. If the Planning Board determines that any modifications indicated according to subsection b.I) are significant, it may require further review according to sections g. through s. below.

c. New Communication Tower:

The Planning Board may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance (both within and outside of this

municipality) of the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the outlier of each existing tall structure and existing or approved tower as well as documentation of the physical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

d. Shared Usage of an Existing Tower Site for New Tower;

Where shared use of existing tall structures, and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new lower and accessory uses. Documentation and conditions shall be in accordance with section c. above. Any new telecommunication tower proposed for an existing tower site shall also be subject to the requirements of section f. through section s. below.

e. New Tower at a New Location:

The Planning Board may consider a new telecommunication tower on a site not previously developed with an existing tower when an applicant demonstrates that shared use of existing tall structures, and existing or approved towers is impractical' and submits a report as described in section c. above; and when the Planning Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with section d. Any proposed new telecommunication tower shall also be subject to the requirements of section f. through section s. below.

f. Future Shared Use of New Towers:

The applicant may be required to design a proposed new telecommunication tower to accommodate future demand for reception and transmitting facilities, The applicant shall submit to the Planning Board a letter of intent committing the new tower owner, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers or users in the future. This letter, which shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section), shall commit the new tower owner and his/her successors in interest to;

1. Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
2. Negotiate in good faith concerning future requests for shared use of the new tower, by other telecommunications providers or users.
3. Allow shared use of the new tower if another telecommunications provider or user agrees in writing to pay charges.
4. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project

administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

g. Site Plan Review:

Submission Requirements

1. An applicant shall be required to submit a site plan in accordance with Section C:PROCEDURES, in addition to those items required by Section C: PROCEDURES, the site plan shall show all existing and proposed Structures and improvements including roads, buildings, tower(s), guy wire(s) and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
2. Supporting Documentation: The Planning Board shall require that the site plan include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The Planning Board shall also require a copy of the applicant's Federal Communications Commission (FCC) license.

h. Lot Size and Setbacks:

All proposed telecommunication towers and accessory structures shall be setback from abutting parcels, established hiking trails, recorded rights of way, and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

1. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements.
2. Telecommunication Towers shall be located with a minimum setback from any property line equal to one and one-half (1 1/2) times the height of the tower, or one hundred (100) feet, whichever is greater.

i. Visual Impact Assessment:

The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new tower, or any proposed modification of an existing tower, unless the modification is deemed by the Planning Board to be insignificant pursuant to subsection b. 2) above. The visual impact assessment shall include

1. A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.
2. Pictorial representations of before and after" views from key viewpoints both inside and outside of the town including, but not limited to, state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Planning Board shall determine the appropriate key sites at a pre-submission conference with the applicant.

3. Assessment of alternative tower designs and color schemes, as described in section j. below.
4. Assessment of the visual impact of the tower base, guy wire, accessory buildings and overhead utility lines from abutting properties and roads.

j. New Tower Design:

Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of proposed new tower shall comply with the following:

- 1 - The Planning Board may require that any new tower be designed to accommodate future shared use by other telecommunications providers and users.
2. Unless specifically required by other regulations, all towers shall have a neutral earth tone or similar painted finish that shall minimize the degree of visual impact. If a painted finish is required, said painted finish shall thereafter be maintained and repainted as required to minimize the visual impact.
3. The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal Regulation and/or regulation. Under unique circumstances, the Planning Board at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
4. The Planning Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.
- 5, Accessory structures and attachments to towers shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
6. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to; company name, phone numbers, banners, and streamers.

k. Existing Vegetation:

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to site plan approval.

l. Screening:

Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including roads, screening shall be required.

m. Access:

Adequate emergency and service access plans shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction 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 (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

n. Parking:

Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.

o. Fencing:

Sites of proposed new towers and sites where modifications to existing towers are proposed, shall be adequately enclosed by a fence: design of which shall be approved by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility. The Planning Board may require signage to be placed upon said fence identifying the owner and/or operator of the facility, its business address, telephone numbers (business number and emergency number), and that no trespassing upon the site is allowed.

p. Removal:

The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the building inspector within thirty (30) days of the discontinuance of use of the tower. This letter shall be filed with the building inspector prior to issuance of a building permit (assuming the telecommunication tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from any site within four (4) months of such notification. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations, shall be a violation of this Regulation and shall be punishable according to Section 1(3).

q. Inter-municipal Notification for New Towers:

In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, the Planning Board shall require that:

1. An applicant who proposes a new telecommunication tower shall notify, in writing the legislative body of each municipality that borders the Town of Carlisle, and the Schoharie County Planning Commission. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.

2. Documentation of this notification shall be submitted to the Planning Board at the time of application.

r. Notification of Nearby Landowners:

The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is abutting or located within five hundred (500) feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any State or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Planning Board prior to the public hearing.

s. General Public Liability Insurance:

A policy of General Public Liability insurance shall be obtained by the applicant at the time that site plan review is approved. The policy shall be obtained from an insurance company licensed to do business in the State of New York. The policy shall be in the amount of at least \$3,000,000.00 per occurrence. A certificate of insurance shall be presented to the Planning Board at the time of final approval, showing the Town of Carlisle as an additional insured. Said insurance coverage shall be maintained until such time as the telecommunication tower has been removed.

s. SITE PLAN REVIEW REGULATION ENFORCEMENT

Paragraph 3, Penalties shall read:

3. Penalties

Any person, firm or corporation who shall develop land or purchase developed land in the Town of Carlisle without complying with the Town of Carlisle Site Plan Review Regulations and obtaining the approval of the Planning Board of the Town of Carlisle shall be guilty of a violation punishable by a fine of not less than twenty-five (\$25.00) dollars or more than two hundred and fifty (\$250.00) dollars or imprisonment for a period not to exceed fifteen (15) days, or by both fine and imprisonment. In addition, the town may also seek injunctive relief in a court of competent jurisdiction. Each week or portion thereof that such violation is carded on or continues shall constitute a separate and distinct violation.

Effective Date:

This Regulation shall take effective immediately upon approval by the Town Board.

C. DEFINITIONS

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

Access Drive - see "Driveway".

Accessory Structure or Use - a secondary structure or use on the same lot or on a contiguous lot in the same ownership which is associated with principle use or structure, and which is incidental and subordinate to the principle use or structure.

Alteration, Structural - to change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; or the exit facilities of a structure; or the relocation of a building from one location to another.

Applicant - the person(s), corporation, agency, or other legal entity responsible for submitting site plan applications for review by the Planning Board.

Aquifer - an underground geologic formation that contains and transmits significant quantities of groundwater.

Area, Building - the total area taken on a horizontal plane at the main grade level of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Floor - the total interior floor space measured in square feet of a structure. Area, Lot - the total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

Average Daily Traffic - the average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

Average Peak Hour Traffic - the average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

Base Floodplain - see "100 Year Flood Area."

Billboard - see "Sign, Advertising."

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

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

receiving and transmitting commercial, radio, television and other utility communication towers, mobile homes, and modular homes.

Building Area Coverage the percentage of the lot area covered by combined area of all buildings on the lot.

Building, Principal - the building on a lot that houses the primary use on a parcel of land.
Change in Use (Conversion) - the change of use or occupancy of a building from either residential, commercial, or industrial to one of the other uses, or a change in the intensity of the same use.

Cluster Housing - dwellings so situated on a parcel or tract (no less than 20 acres in area) so as to leave a minimum of 50% of the parcel or tract in open space.

Curb-cut - a defined opening to provide vehicular access from a public highway to a lot or property.

Drainage - a system of swales, ditches and culverts, catch basins and piping to convey stormwater runoff to retention areas and stabilized discharge points.

Driveway - any road that services no more than three residences (See Local Law "Town of Carlisle Driveway Law").

Dwelling - a complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

Dwelling, Attached - a dwelling unit that has common walls, floors, or ceiling with two (2) or more dwelling units

Dwelling, Mobile Home - see "Mobile Home.

Dwelling, Multiple Family - a building, portion of a building, or group of buildings on one lot containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other will have significant environmental impacts.

Environmental Impact Statement (EIS) - a document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

Erosion - the wearing away of surface soils by action of wind or water.

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

Family - one or more persons living together as a single housekeeping unit and maintaining a common household

Fire Lane - access for emergency fire-fighting vehicles.

Frontage - that part of a property bounded by either a public or private road.

Flood Hazard, Area of- land within a community subject to a one percent (1%) or greater chance of flooding in any given year. Also commonly referred to as base floodplain or 100-year flood area.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

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

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

Highway Commercial - business or commercial uses that depend on vehicle access and that front on a public highway.

Home Occupation - any business use customarily conducted entirely within a dwelling, provided that such use is carried on by the residents of the dwelling, is clearly incidental and secondary to the use of the dwelling, and does not significantly change the character of the dwelling.

Impervious Surface Coverage - the percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with a paved surface or a surface that is impervious to water.

Industrial Use - the use of buildings or land, or both, for the purpose of manufacturing or producing, in whole or in part, any type of product or goods, and uses that involve the subsequent sale, trade or storage of such goods.

ingress - a one-way access from a public highway or private road leading into a lot or property.

Junkyard -

(See Local Laws “Dumps and Dumping”, ‘Junk Motor Vehicles”)

Lot - a parcel of land whose boundaries are established by some legal instrument, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

Lot Coverage - the percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

Mall - see "Shopping Center."

Mini-mall - a small-scale shopping center, usually consisting of less than ten (10) stores or retail outlets. See "Shopping Center".

Mobile Home –

Mobile Home Park -

(See Carlisle Regulations 'Mobile Home Park' and "Mobile Home Pad Construction '9 Net Floor Area - the total usable interior floor area of a structure (excludes such elements as walls, stairwells, elevators, etc.).

Off-Street Parking - area provided for parking not on any public or private road. Parking

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

Peak Hours of Operation - the busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic depending on-the nature of the use.

Peak Season - the weeks or months or any period within an average year when the most activity occurs for a given use group of uses or an area.

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

Phased Development - development that occurs in defined stages (e.g. a 20-unit townhouse project built in two separate 10-unit stages).

Planned Development District (PDD) - the placement on a tract or parcel at least 50 acres in size any combination of residential, commercial, industrial, municipal on any other development.

Principal Use - the main use of a lot or structure.

Road, Primary - where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (e.g. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads.

Road -

Road, Private -

(See Local Law "Town of Carlisle Driveway Law"),

Road, Right-of-Way - an area defined by a boundary which provides for road construction, maintenance, improvement and/or widening.

Road, Secondary - where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (See Road, Primary).

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

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

Sediment - soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation (Siltation) - the deposition of sediment and silt in drainageways, watercourses and waterbodies which may result in pollution, murkiness, accumulation, and blockage.

Separation Distance - distance between the two closest points of reference between two facilities, structures, uses or properties (e.g. the distance between an on-site septic system absorption field and a well).

Septic System - a sewage disposal system designed and built in compliance with state and county regulations.

SEQ Review (State Environmental Quality Review) - review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR., Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

Setback - a minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

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.

Sight Distance - the length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

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

Sign, Business - a sign which directs attention to a business, service, profession, organization or industry located on the premises where the sign is displayed to the type of products sold, manufactured, or assembled and/or to service or entertainment offered on said premises. A “for sale” or “to let” sign relating to the property on which it is displayed shall be deemed a business sign.

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

Sign, Height of- the distance from the ground level, measured from the mid-point of the base of the sign, to the top of the sign.

Sign, Portable - any device on wheels or stand that is designed to be easily moved, the purpose of which is to display a sign,

Sign, Temporary - a sign that advertises or gives direction to a business or activity that will terminate within seven days.

Siltation Control - placement of siltation barriers such as sod, matting, hay bale barriers, or silt fencing or other methods to prevent pollution and blockage of watercourses and waterbodies by silt and other sediment.

Site Plan - Plan for any use of land as listed described in these site plan review regulations, including maps, drawings, supportive data describing the project proposal or development plan for one or more lots on which are shown the existing or proposed conditions of the lot, submitted to the Planning Board for review and approval.

Sketch Plan - conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review. Maybe used by the applicant as the basis for preparing the site plans for Planning Board review.

Sketch Plan Conference - initial optional Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the site plan submission requirements will be prior to submitting the site plan.

Stacking Lanes - off-street temporary parking space specifically provided for vehicles to park behind one another while waiting for drive-up customer assistance. This type of parking is required for bank window tellers, fast food restaurants, car wash bays, etc.

Start of Construction - the initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling: installation of roads, excavation for a basement, footings, foundations or the erection of temporary forms. Start of construction also

includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

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

Use, Accessory - a use or structure which is incidental but associated with the principal use such as a separate garage or shed, fencing, and recreational facilities (e.g. pool, tennis court, etc.).

Use, Principal - the specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

Waterbody - any natural or man-made body of water, such as a pond, lake, wetland or wet area which does not necessarily flow in a definite direction or course.

Watercourse - a channel in which a flow of water occurs either continuously or intermittently -

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

Water, Potable - Water safe for human consumption,

Watershed - the area which is a drainage basin for a particular freshwater body.

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

Wetlands - lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation, as determined by federal and/or state environmental agencies.

100 Year Flood Area - area where there is a one percent (1%) or greater chance of flooding in any given year.

D ADMINISTRATION/ENFORCEMENT

1. Site Plan Compliance

No permit or certificate of occupancy shall be issued by the enforcement officer, except upon authorization by and in conformity with an approved site plan where required.

2. Building Inspection

The Town Board will appoint an enforcement officer to conduct inspections and any other enforcement activities required by these regulations, including coordination with the Planning Board and other governmental agencies

3. Amendments

a The Town Board may on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend these regulations.

b All proposed amendments originating by petition, or by motion of the Town Board shall be referred to the Planning Board for a report and recommendations. The Planning Board shall submit a report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

E. SITE PLAN REVIEW REGULATIONS ENFORCEMENT

1. Purpose

The purpose of these regulations is to protect the health, welfare, and safety of the inhabitants of the Town of Carlisle by enforcement of the Carlisle Site Plan Review Regulations so that land to be subdivided may be free from the peril of flood, fire, health endangerment, or other menace prior to the erection of buildings. Also that proper provision be made for drainage, water supply, sewerage and other needed improvements, open spaces, parks and playgrounds.

2. Establishment of Standards

a No land in the Town of Carlisle shall be developed except in conformance with the Town of Carlisle Site Plan Review Regulations duly adopted by the Planning Board of the Town of Carlisle and approved by the Town Board of the Town of Carlisle, and any amendments thereof.

b No building permit shall be issued to any person, firm or corporation for the construction of any building upon property which has been developed after the effective date of these regulations without the approval of the Planning Board of the Town of Carlisle. For the purpose of these regulations the term develop shall mean the development of land as defined in the Town of Carlisle Site Plan Review Regulations.

c. No buildings may be erected or placed on any parcel by any individual, firm, company or corporation for the purpose of circumventing the Town of Carlisle Site Plan Review Regulations.

3. Penalties

Any person, firm or corporation who shall develop land or purchase developed land in the Town of Carlisle without complying with the Town of Carlisle Site Plan Review Regulations and obtaining the approval of the Planning Board of the Town of Carlisle shall be guilty of a violation punishable by a fine of not less than twenty-five (\$25.00) dollars or more than two hundred and fifty (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both fine and imprisonment. Each week or portion thereof that such violation is carried on or continues shall constitute a separate and distinct violation.

4. Saving Clause

If any section, paragraph, subdivision or provision of these regulations shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of these regulations shall remain valid and effective.