

§149-25

A. Intent

(1) The intent of the following section §149-25 is allow those uses found below to better reflect those ideals and recommendations found in the Town Comprehensive Plan as adopted by the Town of Moreau Town Board.

B. Purpose

(1) The M-2 District provides for the maintenance and expansion of industry, manufacturing, renewable energies, as well as select commercial, recreational, and other uses which may be complementary and appropriate to be sited along with these uses in this area of Town. Site plan review shall be required for all uses in the M-2 District.

(2) Use regulations. Permitted, accessory and special permit uses in M-2 Districts shall be as set forth below and within the Schedule of Regulations included at the end of this chapter.

(3) Area, yard and coverage regulations. Bulk regulations in M-2 Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

C. Applicability. This shall be applicable to all uses on lands zoned M-2 in the Town of Moreau except where otherwise noted in §149-25(G).

D. Permitted uses:

(1) Manufacturing assembly or other industrial operation.

(2) Tool or die manufacture, including precision instruments and 3-dimensional printing and fabrication or assembly as similar

(3) Agricultural product packaging, processing or storage facility, including cold storage, except as prohibited herein.

(4) Heavy equipment sales, rental, service maintenance and storage, including construction equipment.

(5) Warehouse(s)/ warehousing of products.

(6) Public utility structure or use including, but not limited to battery storage facilities; solar energy system, large-scale; windmills; hydroelectric uses; or similar.

(7) Microgrid components for utility and non-utility microgrid systems.

- (8) Supply and building material sales yard, lumberyard including saw mill and other mill work in association, and cabinetmaking or other products from a woodshop.
 - (9) Farm brewery, distillery, or meadery, which may also sell other majority New York State produced products including food, available via counter or cafeteria service, canned or jarred goods, plant products, cheeses, breads, crafts or the like.
 - (10) Wholesale and retail sales when incidental to the primary use.
 - (11) Self-service storage facility.
 - (12) Laboratory: research, experimental or testing, provided that no operation shall be conducted which may cause hazardous, noxious or offensive conditions in the district in which such laboratory is located.
 - (13) Office buildings.
 - (14) Recreation facilities, indoor - including public and private.
 - (15) Distribution centers.
 - (16) Accessory uses as outlined in the bulk and use table at the end of this Chapter.
- D Uses permitted upon issuance of a special permit by the Planning Board, subject to site plan review and approval provisions of X VI. Uses existing at the time of adoption shall be permitted to remain, however be subject to those provisions of Article V (Special Use) in the event of any expansion. When reviewing a proposal for a special use permit in this section, the Planning Board shall refer to those provisions found in Article V and Article VII (Supplementary Regulations) as applicable.
- (1) Sand and gravel processing, Quarrying and Cement manufacturing.
 - (2) Agricultural uses, including stables, commercial, riding arena.
 - (3) Kennels, Animal Grooming, Animal Boarding.

E. Uses strictly prohibited: In accordance with the provision of this article, the following list of uses are not intended to be all inclusive or exclusive but only examples of uses which do not meet the intended purpose of this chapter and particularly for this district and are therefore prohibited. This is for illustrative purposes only. It is not meant to be determinative of all uses which are not to be permitted in the district. It is meant to give direction to applicants who are reviewing this chapter for the purpose of determining what will be an appropriate use in the district and to allow reasonable variations, knowing that all uses cannot be anticipated or defined.

- (1) Abattoir or rendering of grease, tallow or fats.
- (2) Manufacture or storage of non-consumable alcohol, dye or rubber.
- (3) Manufacture or storage of corrosive acid or alkali.
- (4) Manufacture of lime, gypsum, or abrasives.
- (5) Manufacture or storage of fertilizer, involving the recovery or refining or products from fish, human or animal, or mineral refuse.
- (6) Manufacture or storage of fireworks, munitions or explosives.
- (7) Production or refining of petroleum or other flammable liquids.
- (8) Atomic power facilities, storage or nuclear waste.
- (9) Any uses in the Town which use wastes originating outside the Town of Moreau, as prohibited in Town of Moreau Town Code Chapter 92 and as defined herein.

F. General requirements:

- (1) A maximum of sixty percent of the lot may be covered and twenty percent shall be green space that must be incorporated into development plans. A minimum of 50% of the above-referenced green space shall be set aside for snow storage (i.e., no shrubbery or plantings).
- (2) No front yard storage is allowed. All storage areas must be to the rear and side of the building. Where a site is subject to multiple front yards, a fence shall be installed and to be approved by the Planning Board. Said fence shall not be subject to height restrictions for front yard as outlined in Chapter 70, however no fence shall exceed eight (8) feet.

(3) No on-street parking is permitted, and parking and loading shall be in accordance with §149-47 and §149-48 respectively. (4) All industrial, commercial, and other service uses outlined in B above, shall be sited 100 feet from any residential uses or district, except for solar uses which may be within 75' of a residential district or residential use property line.

(5) Floating and/or mapped cross-access easements shall be granted leading to, and for adjacent parcels in the district as practicable to keep traffic off public surface streets to the greatest extent as feasible. This provision may be waived by the Planning Board where not practicable.

G. Performance standards.

(1) Noise. Requirements and regulations in accordance with Chapter 100.

(2) Discharge of toxic or noxious matter. No activity in the M-2 District shall permit any type of discharge either on or off site of any toxic or noxious matter in such concentrations as to be detrimental to or endanger the health of the public or significant bird and mammal wildlife. For purposes of this legislation, "noxious" is defined as that which causes or tends to cause injury to health.

(3) Vibration. In no case shall any vibration from the M-2 District be perceptible without the aid of instruments along the boundary line of the zone, except during initial construction of the facility, or normal maintenance work thereafter.

(4) Heat or glare. No use shall be permitted that will produce heat or glare beyond the property line of the lot on which the facility is located.

(5) Odor. No emission of any odorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail.

105 F. Exceptions.

106 (1) This provision for allowable uses outlined herein shall not be applicable to those
107 developments which have received approvals for, and a building permit for their use and,
108 have commenced substantial construction related to development of a proposed use.

109 (2) Performance standards shall not be applicable for existing uses as that use, if failing to
110 meet performance standards shall be considered preexisting and non-conforming. Any
111 change which will increase or modify the non-conformity, including on a non-conforming
112 performance standard in another location of a structure, or on a different location on the
113 land, shall not be permitted.

§149-24

A. Intent

- (1) The intent of the following section §149-24 is allow those uses found below to better reflect those ideals and recommendations found in the Town Comprehensive Plan as adopted by the Town of Moreau Town Board.

B. Purpose

- (1) The M-1 District provides for the maintenance and expansion of industry, manufacturing, renewable energies, as well as select commercial, recreational, and other uses which may be complementary and appropriate to be sited along with these uses in this area of Town. Site plan review shall be required for all uses in the M-1 District.
- (2) Use regulations. Permitted, accessory and special permit uses in M-1 Districts shall be as set forth below and within the Schedule of Regulations included at the end of this chapter.
- (3) Area, yard and coverage regulations. Bulk regulations in M-1 Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

C. Applicability. This shall be applicable to all uses on lands zoned M-1 in the Town of Moreau except where otherwise noted in §149-24(G).

D. Permitted uses:

- (1) Manufacture through compounding, assembling, fabricating or treatment of articles or merchandise from the following previously prepared materials: fiber, fur, glass, leather, paper, plastics, precious or semiprecious stones or metals, sheet metal, textiles, tobacco, wax, wire or wood.
- (2) Tool or die manufacture, including precision instruments and 3-dimensional printing and fabrication or assembly as similar
- (3) Agricultural product packaging, processing or storage facility, including cold storage, except as prohibited herein.
- (4) Junkyards to include tow-yards, auto wrecking and auto-salvaging operations and to be reviewed in accordance with Chapter 87 (Junkyards) of the Town of Moreau Town Code.

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- 30 (5) Automobile servicing, detailing, and/or finishing, but not car washing for the general
- 31 public.
- 32 (6) Heavy equipment sales, rental, service maintenance and storage, including construction
- 33 equipment.
- 34 (7) Warehouse(s)/ warehousing of products.
- 35 (8) Commercial forestry uses.
- 36 (9) Public utility structure or use including, but not limited to battery storage facilities; solar
- 37 energy system, large-scale; windmills; hydroelectric uses; or similar.
- 38 (10) Microgrid components for utility and non-utility microgrid systems.
- 39 (11) Supply and building material sales yard, lumberyard including saw mill and other mill work
- 40 in association, and cabinetmaking or other products from a woodshop.
- 41 (12) Farm brewery, distillery, or meadery, which may also sell other majority New York State
- 42 produced products including food, available via counter or cafeteria service, canned or
- 43 jarred goods, plant products, cheeses, breads, crafts or the like.
- 44 (13) Wholesale and retail sales when incidental to the primary use.
- 45 (14) Self-service storage facility.
- 46 (15) Laboratory: research, experimental or testing, provided that no operation shall be
- 47 conducted which may cause hazardous, noxious or offensive conditions in the district in
- 48 which such laboratory is located.
- 49 (16) Park and recreation facilities including public and private, and indoor and outdoor.
- 50 (17) Enclosed multi-use facilities which include offices, retail, industrial and/or manufacturing,
- 51 or recreational uses on lots 25 acres or over.
- 52 (18) Accessory uses as outlined in the bulk and use table at the end of this Chapter.
- 53

D Uses permitted upon issuance of a special permit by the Planning Board, subject to site plan review and approval provisions of X VI. Uses existing at the time of adoption shall be permitted to remain, however be subject to those provisions of Article V (Special Use) in the event of any expansion. When reviewing a proposal for a special use permit in this section, the Planning Board shall refer to those provisions found in Article V and Article VII (Supplementary Regulations) as applicable.

- (1) Residential dwellings and accessory uses thereto as permitted in the UR Zoning District, and senior housing and in accordance with use regulations found in Article VII. No multi-family dwelling shall be permitted without connection to sewer and water.
- (2) Temporary and/or permanent outdoor storage or display of any product or material, or for parking of any vehicles and/or storage containers or for the conduct of any other business operations, unless otherwise regulated within this Section.
- (3) Recycling center.
- (4) Sand and gravel processing, Quarrying and Cement manufacturing.
- (5) Restaurants and bars which may include outside dining not to exceed 50% of floor space or approved seating whichever is less.
- (6) Convenience store which may or may not include sales of gasoline or other fuels for automobiles.

E. Uses strictly prohibited: In accordance with the provision of this article, the following list of uses are not intended to be all inclusive or exclusive but only examples of uses which do not meet the intended purpose of this chapter and particularly for this district and are therefore prohibited. This is for illustrative purposes only. It is not meant to be determinative of all uses which are not to be permitted in the district. It is meant to give direction to applicants who are reviewing this chapter for the purpose of determining what will be an appropriate use in the district and to allow reasonable variations, knowing that all uses cannot be anticipated or defined.

- (1) Abattoir or rendering of grease, tallow or fats.
- (2) Manufacture or storage of non-consumable alcohol, dye or rubber.
- (3) Manufacture or storage of corrosive acid or alkali.
- (4) Manufacture of lime, gypsum, or abrasives.

- (5) Manufacture or storage of fertilizer, involving the recovery or refining or products from fish, human or animal, or mineral refuse.
- (6) Manufacture or storage of fireworks, munitions or explosives.
- (7) Production or refining of petroleum or other flammable liquids.
- (8) Atomic power facilities, storage or nuclear waste.
- (9) Any uses in the Town which use wastes originating outside the Town of Moreau, as prohibited in Town of Moreau Town Code Chapter 92 and as defined herein.

F. General requirements:

- (1) A maximum of sixty percent of the lot may be covered and twenty percent shall be green space that must be incorporated into development plans. A minimum of 50% of the above-referenced green space shall be set aside for snow storage (i.e., no shrubbery or plantings).
- (2) No front yard storage is allowed. All storage areas must be to the rear and side of the building. Where a site is subject to multiple front yards, a fence shall be installed and to be approved by the Planning Board. Said fence shall not be subject to height restrictions for front yard as outlined in Chapter 70, however no fence shall exceed eight (8) feet.
- (3) No on-street parking is permitted, and parking and loading shall be in accordance with §149-47 and §149-48 respectively. In this district loading should be located at the rear of the building as feasible. (4) All industrial, commercial, and other service uses outlined in B above, shall be sited 100 feet from any residential uses or district, except for solar uses which may be within 75' of a residential district or residential use property line. Multifamily uses shall be sited at minimum 50' feet away from single-family uses.
- (5) Floating and/or mapped cross-access easements shall be granted leading to, and for adjacent parcels in the district as practicable to keep traffic off public surface streets to the greatest extent as feasible. This provision may be waived by the Planning Board where not practicable.

G. Performance standards.

- (1) Noise. Requirements and regulations in accordance with Chapter 100.
- (2) Discharge of toxic or noxious matter. No activity in the M-1 District shall permit any type of discharge either on or off site of any toxic or noxious matter in such concentrations as to be detrimental to or endanger the health of the public or significant bird and mammal wildlife. For purposes of this legislation, "noxious" is defined as that which causes or tends to cause injury to health.
- (3) Vibration. In no case shall any vibration from the M-1 District be perceptible without the aid of instruments along the boundary line of the zone, except during initial construction of the facility, or normal maintenance work thereafter.
- (4) Heat or glare. No use shall be permitted that will produce heat or glare beyond the property line of the lot on which the facility is located.
- (5) Odor. No emission of any odorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail.

F. Exceptions.

- (1) This provision for allowable uses outlined herein shall not be applicable to those developments which have received approvals for, and a building permit for their use and, have commenced substantial construction related to development of a proposed use.
- (2) Performance standards shall not be applicable for existing uses as that use, if failing to meet performance standards shall be considered preexisting and non-conforming. Any change which will increase or modify the non-conformity, including on a non-conforming performance standard in another location of a structure, or on a different location on the land, shall not be permitted.

§149-24.1

A, Intent

- (1) The intent of the following section §149-24.1 is allow those uses found below to better reflect those ideals and recommendations found in the Town Comprehensive Plan as adopted by the Town of Moreau Town Board.

B. Purpose

- (1) The M-1A District provides for the maintenance and expansion of industry, manufacturing, renewable energies, as well as select commercial, recreational, and other uses which may be complementary and appropriate to be sited along with these uses in this area of Town. The M-1A also provides for businesses that are defined and subject to Chapter 65 Adult Entertainment. Site plan review shall be required for all uses in the M-1A District.
- (2) Use regulations. Permitted, accessory and special permit uses in M-1A Districts shall be as set forth below and within the Schedule of Regulations included at the end of this chapter.
- (3) Area, yard and coverage regulations. Bulk regulations in M-1A Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

C. Applicability. This shall be applicable to all uses on lands zoned M-1 in the Town of Moreau except where otherwise noted in §149-24.1(G).

D. Permitted uses:

- (1) Manufacture through compounding, assembling, fabricating or treatment of articles or merchandise from the following previously prepared materials: fiber, fur, glass, leather, paper, plastics, precious or semiprecious stones or metals, sheet metal, textiles, tobacco, wax, wire or wood.
- (2) Tool or die manufacture, including precision instruments and 3-dimensional printing and fabrication or assembly as similar
- (3) Agricultural product packaging, processing or storage facility, including cold storage, except as prohibited herein.
- (4) Automobile servicing, detailing, and/or finishing, but not car washing for the general public.
- (5) Warehouse(s)/ warehousing of products.

- (6) Public utility structure or use including, but not limited to battery storage facilities; solar energy system, large-scale; windmills; hydroelectric uses; or similar.
- (7) Microgrid components for utility and non-utility microgrid systems.
- (8) Supply and building material sales yard, lumberyard including saw mill and other mill work in association, and cabinetmaking or other products from a woodshop.
- (9) Wholesale and retail sales when incidental to the primary use.
- (10) Park and recreation facilities including public and private, and indoor and outdoor.
- (11) Water -dependent uses such as ferries, marinas, boat yards, public piers, boat/canoe launches, swimming areas, and commercial and recreational fishing
- (12) Accessory uses as outlined in the bulk and use table at the end of this Chapter.

D Uses permitted upon issuance of a special permit by the Planning Board, subject to site plan review and approval provisions of X VI. Uses existing at the time of adoption shall be permitted to remain, however be subject to those provisions of Article V (Special Use) in the event of any expansion. When reviewing a proposal for a special use permit in this section, the Planning Board shall refer to those provisions found in Article V and Article VII (Supplementary Regulations) as applicable.

- (1) Single Family residential dwellings and accessory uses thereto, and in accordance with use regulations found in Article VII.
- (2) Sand and gravel processing, Quarrying and Cement manufacturing.
- (3) Adult entertainment in accordance with the regulations as outlined in Chapter 65 of the Town of Moreau Town Code.
- (4) Cannabis growing (indoor in greenhouses) and cannabis processing (indoor).

E. Uses strictly prohibited: In accordance with the provision of this article, the following list of uses are not intended to be all inclusive or exclusive but only examples of uses which do not meet the intended purpose of this chapter and particularly for this district and are therefore prohibited. This is for illustrative purposes only. It is not meant to be determinative of all uses which are not to be permitted in the district. It is meant to give direction to applicants who are reviewing this chapter for the purpose of determining what will be an appropriate use in the district and to allow reasonable variations, knowing that all uses cannot be anticipated or defined.

- (1) Abattoir or rendering of grease, tallow or fats.
- (2) Manufacture or storage of non-consumable alcohol, dye or rubber.

- (3) Manufacture or storage of corrosive acid or alkali.
- (4) Manufacture of lime, gypsum, or abrasives.
- (5) Manufacture or storage of fertilizer, involving the recovery or refining of products from fish, human or animal, or mineral refuse.
- (6) Manufacture or storage of fireworks, munitions or explosives.
- (7) Production or refining of petroleum or other flammable liquids.
- (8) Atomic power facilities, storage or nuclear waste.
- (9) Any uses in the Town which use wastes originating outside the Town of Moreau, as prohibited in Town of Moreau Town Code Chapter 92 and as defined herein.

F. General requirements:

- (1) A maximum of sixty percent of the lot may be covered and twenty percent shall be green space that must be incorporated into development plans. A minimum of 50% of the above-referenced green space shall be set aside for snow storage (i.e., no shrubbery or plantings).
- (2) No front yard storage is allowed. All storage areas must be to the rear and side of the building. Where a site is subject to multiple front yards, a fence shall be installed and to be approved by the Planning Board. Said fence shall not be subject to height restrictions for front yard as outlined in Chapter 70, however no fence shall exceed eight (8) feet.
- (3) No on-street parking is permitted, and parking and loading shall be in accordance with §149-47 and §149-48 respectively. (4) All industrial, commercial, and other service uses outlined in B above, shall be sited 100 feet from any residential uses or district, except for solar uses which may be within 75' of a residential district or residential use property line.
- (5) Floating and/or mapped cross-access easements shall be granted leading to, and for adjacent parcels in the district as practicable to keep traffic off public surface streets to the greatest extent as feasible. This provision may be waived by the Planning Board where not practicable.

G. Performance standards.

- (1) Noise. Requirements and regulations in accordance with Chapter 100.
- (2) Discharge of toxic or noxious matter. No activity in the M-1 District shall permit any type of discharge either on or off site of any toxic or noxious matter in such concentrations as to be detrimental to or endanger the health of the public or significant bird and mammal wildlife. For purposes of this legislation, "noxious" is defined as that which causes or tends to cause injury to health.
- (3) Vibration. In no case shall any vibration from the M-1 District be perceptible without the aid of instruments along the boundary line of the zone, except during initial construction of the facility, or normal maintenance work thereafter.
- (4) Heat or glare. No use shall be permitted that will produce heat or glare beyond the property line of the lot on which the facility is located.
- (5) Odor. No emission of any odorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail.

F. Exceptions.

- (1) This provision for allowable uses outlined herein shall not be applicable to those developments which have received approvals for, and a building permit for their use and, have commenced substantial construction related to development of a proposed use.
- (2) Performance standards shall not be applicable for existing uses as that use, if failing to meet performance standards shall be considered preexisting and non-conforming. Any change which will increase or modify the non-conformity, including on a non-conforming performance standard in another location of a structure, or on a different location on the land, shall not be permitted.

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Adult Businesses

- A. Adult businesses are regulated in accordance with Chapter 65 Adult Entertainment of the Town of Moreau Town Code.
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Automobile Repair and Repair Shops

- A. Motor vehicle service stations.
- (1) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet, with maximum to be approved by the Planning Board. The maximum width should be the minimum width necessary for public safety purposes. The location of such driveways shall be determined by the Planning Board, but in no event shall they be located closer than ten (10) feet to any lot line.
 - (2) No entrance or exit driveway or parking space shall be located so as to require the backing of any vehicle into a public right-of-way.
 - (3) All vehicle lifts, dismantled automobiles, parts or supplies, goods, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.
 - (4) All services or repair of motor vehicles shall be conducted in a building enclosed on all sides; however, this requirement is not to be construed as meaning that the doors to any repair shop must be kept closed at all times.
 - (5) Gasoline or flammable oils in bulk shall meet New York State storage requirements.
 - (6) All registered vehicles awaiting service, pick-up by customers, or otherwise stored overnight on the lot shall be parked within a vehicle parking area approved by the Planning Board.
 - (7) The Planning Board may require a green space buffer, vegetative screening, and/or solid or picket fencing in order to reduce visual impact upon surrounding properties.
 - (8) The sale of vehicles shall not be a permitted accessory use to a motor vehicle service station.
 - (9) A New York State Department of Motor Vehicle license for repair shall be required.
 - (10) This shall not apply to licensed repair shops legally in use at the time of the adoption of this Chapter however any modification exceeding such use by 33%, or reconfiguration of a site, shall be required to conform to these requirements.
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Battery Storage

- A. The requirements of this Section shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Moreau after the effective date of this article, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this article.
- D. General requirements.
 - (1) A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
 - (2) All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and are subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Moreau Town Code.
- E. Requirements for Tier 1 battery energy storage systems.
 - (1) Tier 1 battery energy storage systems shall be permitted in all zoning districts, are subject to general requirements pursuant to [D. (Above)], and are exempt from Planning Board review.
- F. Requirements for Tier 2 battery energy storage systems.
 - (1) Tier 2 battery energy storage systems are permitted through the issuance of a Site Plan Approval by the Planning Board pursuant to Article VI and as follows:
 - (a) Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent practicable.
 - (b) Parcels upon which battery energy storage systems are placed shall adhere to the standards as set forth below:
 - [1] The minimum lot area for all Business and Industrial District parcels proposing Tier 2 battery energy storage systems shall be 40,000 square feet.
 - [2] The maximum lot coverage for Tier 2 battery energy storage systems shall be 60% in any zone.
 - [3] The maximum height of structures dedicated to Tier 2 battery energy storage systems shall be 35 feet.

- [4] The minimum required side and rear yard setback shall be 10 feet; the minimum side yard setback shall be 50 feet when adjacent to property zoned or containing a residential use.
 - [5] The minimum screening within required yards shall include landscape plantings to be erected and maintained by the applicant along the front, side and rear property lines; the Planning Board may modify these requirements for screening where the same or better screening effect is accomplished by the natural terrain or foliage.
 - [6] Design and visibility. Battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the existing terrain, character of the property and surrounding area without interfering with ventilation or exhaust ports.
 - [7] Adjoining street rights-of-way.
 - [a] The minimum required front yard shall be 50 feet, unless the Planning Board finds for aesthetic and/or safety reasons that additional setback is necessary.
 - [b] The minimum required screening shall be achieved by landscape plantings, including evergreen shrubs not less than four feet in height at the time of installation as approved by the Planning Board.
- (c) Accessory/principal use.
- [1] A Tier 2 battery storage system shall not be permitted as accessory to the principal use of a residential dwelling.
 - [2] Tier 2 battery energy storage systems may be considered accessory when the principal use of a parcel is for the generation of electricity via solar panels.
- (d) Avoidance areas. Battery energy storage systems shall not be located in the following avoidance areas:
- [1] Flood hazard zones, unless compliance with FEMA can be achieved without significant visual or safety impacts.
 - [2] Road corridors or viewsheds scenic in nature as identified pursuant to SEQRA review, unless the installation is fully camouflaged and is found to not compromise such corridor or viewshed.
 - [3] Within 100 feet of NYSDEC freshwater wetlands.
- (e) Submission. A complete site plan pursuant to Article VI and as follows:
- [1] Name, address, phone number, and signature of the project applicant, as well as the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

- [2] A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and cs, with all National Electrical Code compliance disconnects and overcurrent devices.
- [3] A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
- [4] Commissioning plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Planning Board prior to final inspection and approval and maintained at an approved on-site location.
- [5] Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- [6] Operation and maintenance manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- [7] Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board in consultation with the Town Engineer.

(f) Fencing requirements.

- [1] Battery energy storage systems, including all mechanical equipment and buildings dedicated to battery energy storage systems, shall be enclosed by a privacy fence, with the design subject to Planning Board discretion, to a maximum height of eight (8) feet, with a self-locking gate to prevent unauthorized access, and shall not interfere with ventilation or exhaust ports.
- [2] The regulatory fence should be sited in such a way that it encompasses the whole battery storage structure.
- [3] All required fencing, unless otherwise approved by the Planning Board shall not exceed the height limitation as required in Chapter 70 within the required front yard.
- [4] The Planning Board shall require landscaping located between the fence and the surrounding properties, including the public right-of-way, as appropriate and necessary.

G. Signage.

- (1) The signage shall be in compliance with ANSI Z535 and all other applicable codes and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.
- (2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

H. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

I. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall comply with noise standards found in Chapter 100 Noise, and any General Requirements in Article IV of this Chapter. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance.

J. Vegetation and tree cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground cover shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

- K. Prior to the issuance of a building permit, all applications shall include an emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
- (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Emergency contact information for the owner and operators, with twenty-four-hour contacting information, which must be kept current.
 - (3) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (4) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to Fire Department personnel for potentially hazardous conditions in the event of a system failure.
 - (5) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (6) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (7) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - (8) Other procedures as determined necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (9) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

- L. Ownership changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special exception approval shall remain in effect, provided that the successor, owner or operator assumes, in writing, all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Department of such change in ownership or operator, in writing, within 30 days of the ownership change. All permits and approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Building Department within the required time frame.
- M. Decommissioning.
- (1) All site plan applications shall include a decommissioning plan. The decommissioning plan shall include the following:
- (a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, transmission lines, access roads and other related improvements from the site;
 - (b) A detailed narrative and plan for the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (c) The anticipated life of the battery energy storage system;
 - (d) The estimated decommissioning costs, prepared by a licensed professional engineer, and how said estimate was determined;
 - (e) The method of ensuring that funds will be available for decommissioning and restoration;
 - (f) The method by which the decommissioning cost will be kept current;
 - (g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;
 - (h) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- (2) The owner and/or operator of the energy storage system shall implement said plan upon abandonment and/or in conjunction with removal from the facility.
- N. Decommissioning fund. The owner and/or operator of the battery energy storage system shall continuously maintain a fund, either through escrow account, bond or otherwise payable to the Town of Moreau, in a form and amount approved by the Town Engineer or the Town's

Consulting Engineer, for the decommissioning and removal of the battery energy storage system, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

Definitions.

ANSI

American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM

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

BATTERY(IES)

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

CELL

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

COMMISSIONING

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

DECOMMISSIONING

A systematic process that provides a narrative and plan for the removal/proper disposal and reclamation of a battery energy storage system, and its site, at the end of its useful life and/or as the result of damage by fire or other event.

DEDICATED-USE BUILDING

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

- A. The building's only use is battery energy storage, energy generation, and other electrical-grid-related operations.
- B. No other occupancy types are permitted in the building.
- C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:

- (1) The areas do not occupy more than 10% of the building area of the story in which they are located.
- (2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle, or the like. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

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

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)

U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC

National Electric Code.

NFPA

National Fire Protection Association.

NON-DEDICATED-USE BUILDING

All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NONPARTICIPATING PROPERTY

Any property that is not a participating property.

NONPARTICIPATING RESIDENCE

Any residence located on nonparticipating property.

OCCUPIED COMMUNITY BUILDING

Any building in Occupancy Group A, B, E, I, R, as defined in the New York State Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY

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

Cannabis Uses

- A. Home cultivation. Home cultivation of cannabis shall be screened from view from neighboring properties and shall otherwise be secured with appropriate fencing to deter removal by third parties.
 - (1) No cannabis shall be cultivated, grown, planted, and/or maintained in any front or side yard.
 - (2) Sufficient setbacks shall be maintained at all times of no less than 15 feet from any property line.
 - (3) Persistent offensive odor shall not be detected on adjacent properties or from public rights-of-way.
- B. Cannabis growing and processing.
 - (1) Security and Safety. Security measures at all New York State licensed premises shall comply with the requirements of this article, MRTA and all such applicable rules and regulations promulgated by the Cannabis Control Board and/or Office of Cannabis Management.
 - (a) A description of the security plan shall be submitted with the application for a site plan for use of premises as a in association with cannabis processing or growing. The security system shall be maintained in good working order and provide 24 hours per day coverage. The security plan must include, at a minimum, the following security measures:
 - [1] Cameras. The applicant, owner and holder of a license to operate a cannabis facility as required by the MRTA/Office of Cannabis Management shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marijuana maintained by the cannabis business entity.
 - [2] Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing.
 - [3] Recordings from security cameras shall be maintained for a minimum of 30 days in a secure off-site location in the Town of Moreau or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The off-site location shall be included in the

security plan submitted to the Town and provided to law enforcement upon request and updated within 72 hours of any change of such location.

- [4] Alarm system. The establishment shall install and use an alarm system that is monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the Town shall identify the company monitoring the alarm, including contact information, and updated within 72 hours of any change of monitoring company.

- (2) Any person proposing to apply for approval to use premises as a cannabis cultivation or processing facility shall submit an odor management plan to the Building Department and with any site plan application. The odor management plan shall describe sufficient processes which, if implemented, will prevent odors from the cannabis establishment from being detected by a person outside of the establishment. The odor management plan shall adhere to the following conditions and be inclusive of a description of the following:
- (a) The ventilation system used by the cannabis establishment, including but not limited to, how the ventilation systems prevent odor from escaping the interior of the building and how to mitigate any fumes or gases.
 - (b) The owner shall be responsible for the development, implementation, and maintenance of the odor management plan. Odor mitigation practices shall be based on industry-specific best control technologies and best management practices. The plan shall include the range of odor mitigation practices to be deployed to control odor-emitting activities, sources, and locations, how and when these practices will be deployed, and accounting for any identified odor-emitting activity.
 - (c) The permittee, operator, or person in charge of a cannabis establishment shall maintain, and provide to the Building Department monthly, all records relating to odor management, including but not limited to, system installation, maintenance, any equipment malfunctions and deviations from the odor management plan.
 - (d) The permittee, operator or person in charge of a cannabis facility shall maintain records of odor complaints received and response actions thereto.
 - (e) If an inspection or complaint investigation by the Building Department reveals any deviation from the odor management plan, such deviation shall be a violation of this article.
 - (f) If an inspection reveals that the existing odor management plan does not effectively mitigate odors emanating from the cannabis facility or cannabis facility's cultivation site, the Building Department shall provide the operator or person in charge with a notice of deficiencies. The owner, operator or person in charge of the cannabis establishment shall be required to submit a

modified odor management plan within 30 days. Failure to submit a modified odor management plan within the required time period shall be a violation of this article.

- (g) When a modification is made to a cannabis establishment or operation of the establishment that has the potential to impact the nature or degree of odor, or affects the control of odor, the cannabis facility operator must update its odor management plan within 30 days of modification. Failure to submit an updated odor management plan within 30 days of modification shall be a violation of this section.

Definitions

CANNABIS

All parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the Federal Food and Drug Administration.

CANNABIS CONTROL BOARD or BOARD

The New York State Cannabis Control Board (CCB) created pursuant to Article Two of the MRTA.

DISTRIBUTOR

Any person who sells at wholesale any cannabis product, except medical cannabis, for the sale of which a license is required pursuant to the provisions of the MRTA.

LICENSE

A written authorization as provided under this article permitting persons to engage in a specified activity authorized pursuant to MRTA.

LICENSEE

An individual or an entity who has been granted a license under MRTA.

OFFICE or OFFICE OF CANNABIS MANAGEMENT

The New York State Office of Cannabis Management created pursuant to the provisions of the MRTA. The OCM is governed by the Cannabis Control Board to oversee and implement the MRTA. The OCM is responsible for licensing and development of regulations outlining how and when businesses can participate in the cannabis industry.

MARIJUANA REGULATION & TAXATION ACT (MRTA)

The legislation that legalizes the production, distribution, and use of marijuana. This bill removes marijuana and marijuana products from New York's Controlled Substances Act and

allows for the regulation of marijuana under the supervision of the Office of Cannabis Management of New York State.

Farm Brewery

- A. Sale and distribution of beer.
 - (1) Sell in bulk beer manufactured by the farm brewer to any person licensed to manufacture alcoholic beverages in this state;
 - (2) Sell or deliver beer manufactured by the farm brewer to persons outside the state pursuant to the laws of the place of such delivery;
 - (3) Sell beer manufactured by the farm brewer to wholesalers and retailers licensed in this state to sell beer, licensed farm distillers, licensed farm wineries, licensed farm cideries, and any other licensed farm brewery;
 - (4) Sell at the premises beer manufactured by the farm brewer, or any other licensed farm brewery, at retail for consumption on or off the premises; and
 - (5) Total off-site sales and distribution of beer shall not exceed 49% of the total gross product produced on-site annually subject to State Alcoholic Beverage Control Laws. Off-site sales and distribution of beer in excess of this shall be defined as a distribution facility and shall not be permitted herein.
- B. Conduct tastings at the premises of beer manufactured by the farm brewer or any other licensed farm brewery
- C. Operate a restaurant or other food and drinking establishment in or adjacent to the premises and sell at such place, at retail for consumption on the premises, beer manufactured by the farm brewer and any New York State labeled beer.
- D. Manufacture, bottle, and sell food condiments and products such as mustards, sauces, hop seasonings, beer nuts, and other hops- and beer-related foods in addition to beer and hops soaps, hop pillows, hop wreaths and other such foods and crafts on and from the premises.
- E. Store and sell gift items in a tax-paid room upon the premises incidental to the sale of beer. These items shall be limited to the following categories;
 - (1) Nonalcoholic beverages;
 - (2) Food items for the purpose of complementing beer tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking;
 - (3) Food items, which shall include locally produced farm products and any food or food product not specially prepared for immediate consumption upon the premises;

- (4) Beer supplies and accessories, which shall include any items utilized for the storage, serving, or consumption of beer or for decorative purposes;
 - (5) Beer-making equipment and supplies; and
 - (6) Souvenir items, which shall include, but not be limited to, artwork, crafts, clothing, agricultural products, and any other articles which can be construed to propagate tourism within the region; and
- F. Conduct tours of the premises.
- G. No more than 75% of the total gross floor space of the establishment shall be used for the brewery function, including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- H. All mechanical equipment visible from the street or an adjacent residential use shall be screened using architectural features consistent with the principal structure.
- I. Access and loading bays are discouraged from facing toward any street.
- J. Access and loading bays facing any street or adjacent residential use shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
- K. Public Wastewater Conveyance. Where facilities are on public sewer systems, a sign-off from the town Sewer Department and Town Engineer will be required ensuring adequate pretreatment of sewage is achieved in advance of entering the town sanitary sewer system.
- L. Private Wastewater Conveyance and Treatment. Where facilities are located that are not connected to public wastewater treatment, a sign-off will be required from the Town Engineer reviewing the project proposal to current standards to ensure efficient and safe operations of the wastewater treatment system and adequacy of design capacity.
- M. Solid and Other Wastes. All Dumpsters or garbage / refuse containers which are designed to contain wastes from brewery related uses shall be maintained with a lid or cover, suitably protected on all sides by opaque fencing or screening at least twelve (12) inches above the height of the dumpster or refuse container(s) to assure protection from open view and such areas shall be kept in a clean and neat condition, and the surrounding area shall be free of litter. Dumpster and refuse container maintenance shall require "leak free" containment, clean surfaces that are safe and free of liquid refuse
 - (1) Enclosures shall primarily be located in the rear of the property. Consideration shall be given to side yards if the rear area of the property is unsuitable. Dumpsters or refuse containers of any type shall not be located in any front yard of any premises. This provision shall not be construed to limit regular curbside pickup service by a commercial refuse hauler.
 - (2) On any project, land use or development which involves the Planning Board for a site plan review, the Planning Board shall be authorized to consider and approve the

design of enclosure, location, setbacks, location of gate openings (including swing) dimensions, materials, height, landscaping and all things pertinent to compliance with the requirements of this provision.

Definition

FARM BREWERY

An establishment where no more than 75,000 barrels of New York State labeled beer is manufactured annually (minimum of 50 barrels). New York State labeled beer is made with no less than a certain percentage, by weight as set forth in Alcoholic Beverage Control Law § 3, Subdivision 20-d, of its hops grown in New York State and no less than a certain percentage, by weight, of all of its other ingredients, excluding water, grown in New York State. In addition to the manufacture of beer, a farm brewer is authorized to perform the following activities on the premises:

Forestry Uses

- A. Permits required.
 - (1) It is hereby required that any timber harvesting and forestry activity shall require a Site Plan Approval from the Planning Board by anyone desiring to harvest timber for profit.
 - (2) Such permit shall be applied for jointly by the property owner and the logger. If the owner of the property on which said timber is located is an active cooperator under in a State or Federal Forest management program, or if the property is currently receiving tax benefits under the provisions of § 480-a of the Real Property Tax Law, the Planning Board, in its discretion, may waive this Site Plan Review requirement provision. However, the Town shall enforce all other provisions of this Article in pertaining to the application procedure.
- B. Clearing of land solely for agricultural purposes by agricultural use in accordance with this Chapter shall be exempt from the timber harvesting and forestry regulations.
- C. Standards for operation.
 - (1) All commercial timber harvesting pursuant to this Article shall comply to with the following standards:
 - [a] No forest haul road or skid trail shall be constructed to exceed a slope of 25% for a distance of more than 200 feet. The applicant shall take appropriate measures to divert running water from the roads at intervals in order to minimize erosion.
 - [b] All timber harvesting should follow New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality, as may be amended from time to time.

- [c] All streams shall be crossed by temporary culverts or bridges and such crossings shall be made in a direction at a right angle to the flow of the stream unless, under the provisions of the Stream Protection Law, Article 15- of the Environmental Conservation Law as amended, a Department of Environmental Conservation permit requires more stringent measures, which more stringent measures shall be complied with by the logger and the landowner.
- [d] There shall be no skidding in any stream channel, and all logging slash and debris shall be promptly removed from any stream channel.
- [e] The Planning Board may require placement and maintenance of waterbars to protect streams at such points as landings or other areas of considerable disturbance.
- [f] Buffer strips shall be retained at least 50 feet wide along streams and at least 100 feet wide along public roads. Within such buffer strips, no trees of less than 12 inches' Diameter at Breast Height (DBH) shall be harvested unless the property is in the Cooperative Forest Management Program and the trees have been marked by a professional forester. No landings shall be located within buffer strips abutting streams. Landings located within buffer strips abutting roads shall be properly graded and waterbarred to prevent sediment from washing into the drainage ditches along the public road.
- [g] Buffer strips shall be retained at least 50 feet wide along streams and at least 100 feet wide along public roads. Within such buffer strips, no trees of less than 12 inches; stump diameter shall be harvested unless the property is in the Cooperative Forest Management Program and the trees have been marked by a Department of Environmental Conservation forester. No landings shall be located within buffer strips abutting streams. Landings located within buffer strips abutting roads shall be properly graded and waterbarred to prevent sediment from washing into the drainage ditches along the public road.
- [h] The entrance of haul roads onto Town roads shall be done in compliance with all New York State, Town or County regulations as regulations, and at minimum meet the requirements of a construction entrance.
- [i] The applicant shall file with the Town a certificate of insurance, or like document evidencing a valid general liability insurance policy issued in the name of the applicant and under which the Town of Moreau is listed as an additional insured. The limits of such policy shall not be less than one (1) million dollars (\$1,000,000) unless for good cause shown by the applicant a lesser amount is authorized by the Planning Board. Such policy shall be submitted and kept on file at the Building Department.

- [j] Haul roads shall have waterbars or other water diversion structures as outlined by the New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality, placed at the following intervals unless the Planning Board determines an alternate water diversion is desirable:

Road Grade (percent)		Spacing (feet)
2 to 5		300 to 500
6 to 10		200 to 300
11 to 15		100 to 200
16 and greater		100

- [k] Site Reclamation. Haul roads shall be smoothed, sloped, ditched and seeded with perennial grasses, as needed. Landings shall be smoothed, seeded and protected with waterbars, as needed. At stream crossings, temporary stream culverts and bridges shall be removed, and stream banks shall be restabilized. All reclamation efforts shall be subject to inspection by the Town to assure compliance with this provision.

D. Permit approval procedure.

- (1) No commercial timber harvesting shall be undertaken until granted Site Plan Review, as approved by the Planning Board, in accordance with procedures outlined in accordance with this Chapter.
- (2) An application for a timber harvesting permit shall include:
 - [a] An application fee and inspection fee in accordance with the adopted fee schedule.
 - [b] A description of the proposed harvesting activity including the proposed selection cutting. All trees to be harvested shall be marked via some specified criteria before the harvesting begins.
 - [c] The dates between which such harvesting activity will occur.
 - [d] Sufficient information to determine that the proposed harvesting activity will comply with the standards for harvesting set forth herein.
 - [e] A map showing the specific areas to be harvested and the location of proposed forest haul roads, landings and stream crossings. The map shall be at a scale of 1:24,000 (such as a United States Geological Survey Topographic Map, a New York State Department of Transportation Planimetric Map or Town Tax Map) or any scale of a smaller ratio such that a larger map is produced.
 - [f] A bond or certified check as required herein at the discretion of the Planning Board.
- (3) Upon receipt of an application for a timber harvesting special use permit, the Planning Board shall, at its option, submit the application to the Department of Environmental Conservation and request a review of the application by a Department of Environmental Conservation forester or to a professional forester

selected by the Planning Board for review. In a case where the timber is being harvested for the purpose of clearing the land for conversion to agricultural use, building purposes or for utility line rights-of-way, the Planning Board may, in its discretion, waive this review requirement.

- (4) Performance cash bond. As a part of the permit requirement procedure as defined herein, a performance cash bond or certified check or surety in a form acceptable to the Planning Board for the purposes of restoration of the site and repair of any Town roads as a condition approved by the Planning Board shall be posted with the Town Clerk by the logger in the amount of \$30 per acre of land or a minimum of \$1,000 accordance with the adopted Town of Moreau fee schedule in order to assure compliance with the provisions of this Article. This may be waived by the Town Planning Board.

Kennels

- A. In order to promote the general welfare of the Town, kennels shall be allowed only by special use permit.
- B. A site plan shall be provided which displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals and any other information deemed appropriate.
- C. The minimum lot size shall be two (2) acres.
- D. Additional conditions to be considered when hearing a request for a kennel special use permit:
 - (1) The closeness to adjacent properties.
 - (2) The maximum number of animals to be maintained and frequency of use.
 - (3) The effect on character of neighborhood.
 - (4) Existing or proposed natural or man-made buffers.

Junkyards

- A. Junkyards are regulated in accordance with Chapter 87 Junkyards of the Town of Moreau Town Code.
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Multi-Family Residential

- A. Multifamily dwellings and senior congregate dwellings. Each site proposed for multifamily dwellings or senior congregate dwellings shall:
- (1) Provide the following lot and building standards:
 - (a) Shall provide a minimum livable floor area per dwelling unit of 600 square feet.
 - (b) Shall provide a minimum of two (2) off-street parking spaces per dwelling unit or one and half (1.25) off-street parking spaces per dwelling unit.
 - (b) Shall be limited to eight (8) units per acre.
 - (c) Shall provide adequate snow storage and fire access to the satisfaction of the Planning Board.
- B. Townhouses. Each site proposed for townhouse dwellings shall:
- (1) Provide the following lot and building standards:
 - (a) Outside walls of all principal buildings shall meet all side yard requirements.
 - (b) Buildings may utilize shared wall construction with zero (0) setbacks.
 - (c) Steps, bay windows, porches and chimneys may encroach up to three (3) feet into a required side yard.
 - (d) Shall provide adequate snow storage and fire access to the satisfaction of the Planning Board.
 - (f) Shall be limited to eight (8) units per acre.
- C. Access.
- (1) Pedestrian walkways. Pedestrian walkways shall be provided connecting the housing units to vehicular storage areas, to recreation areas as applicable to other buildings and to any adjacent multifamily developments, and toward or two uses which would likely be patronized by residents of the multi-family uses. Pedestrian walkways shall be separated from project roads with adequate visual indications or crosswalks to ensure pedestrian safety.
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Recycling Centers

- A. In order to protect the clean, wholesome, safe and attractive environment of the community, the Town Planning Board shall take the following factors into consideration in granting or denying any approvals:
- (1) Type of road servicing the recycling center or from which the recycling center can be seen;
 - (2) Natural or artificial barriers protecting the recycling center from view;
 - (3) Proximity of the site to established residential or recreational areas or main access route thereto;
 - (4) The nature and development of surrounding property;
 - (5) Whether or not the proposed location will affect the public health and safety by reason of offensive or unhealthy noise, odors or smoke, or of other causes;
 - (6) The proximity of floodplains, groundwater supplies, and public water supplies;
 - (7) Local drainage patterns;
 - (8) The availability of fire protection and the adequacy of the water supply for fire protection purposes;
 - (9) The Comprehensive Plan for the Town;
 - (10) Availability of other suitable sites for the recycling center;
 - (11) The type of junk to be stored or deposited in the recycling center.
- B. Specific requirements. No recycling center storage area shall be located within:
- (1) One hundred feet of any adjoining property line;
 - (2) Five hundred feet of the property line of any public park, church, educational facility, nursing home, public building or other place of public gathering;
 - (3) One hundred feet of any stream, lake, pond, wetland or other body of water; or
 - (4) One hundred feet from the property line of any public highway.
- C. There must be erected and maintained an eight-foot-high fence enclosing the entire recycling center and a locking gate, adequate to prohibit the entrance of children and others into the area of the activity or business, and to contain within such fence all recyclable appliances, furniture, mobile homes, vehicles and materials originating from such items. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others to the recycling center, provided screening is not necessary.
- D. Where a recycling center is or would be visible from a public highway or from neighboring properties, the fence provided in Subsection C above shall be of wood or other materials

sufficient to totally screen the recycling center from view of such roadways or neighboring properties. Such screening may be permitted by adequate planting of evergreen trees or shrubbery.

- E. The Planning Board shall specify in the their approvals which types of recyclable materials may be stored or deposited in the junk storage area. No items shall be stored in any recycling storage area other than those items specified in a site plan approved by the Planning Board pursuant to this chapter.
 - E. No materials shall be burned in a recycling center.
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Self-Storage

The following standards shall apply to all self-storage units.

- A. Standards.
 - (1) Vegetative buffering and/or fencing shall be provided along any road frontage and adjacent properties where determined necessary by the Planning Board. Fencing adjacent to the street shall be a decorative type.
 - (2) Lighting shall be downward facing and shielded and not trespass onto adjacent properties excepting any lighting designated for security as approved by the Planning Board.
 - (3) Buildings shall be sited perpendicular to the road so that only the end unit faces the road.
 - (4) The building shall be designed so that it is in harmony with the appearance of the surrounding neighborhood. A false facade or roof shall be used for end units facing the roadway.
 - (5) The storage of flammable liquids, explosives, hazardous chemicals, radioactive wastes, pets or animals or illegal substances is prohibited.
 - (6) Hours of access may be specified by the Planning Board in keeping with the character of the surrounding neighborhood.
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Sand and Gravel Processing, Quarrying and Cement Manufacturing

- A. Sand and gravel processing, quarrying and cement manufacturing uses, which include the mining of sand and gravel, as defined in Chapter 113 shall be regulated in accordance with Chapter 113 Sand and Gravel Mining., of the Town of Moreau Town Code, and be required to receive a Special Permit from the Town of Moreau Town Board.
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Solar

[RESERVED UNTIL TB DETERMINATION]

Stables, Commercial; Riding Arenas

- A. The minimum lot area shall be five (5) acres.
- C. Buildings or other fully enclosed structures associated with the facility shall be located not less than 100 feet from any property line, nor less than 250 feet from any neighboring residence.
- D. No riding ring or manure storage areas shall be located within 100 feet of any lot line, nor shall any manure storage area be located within 100 feet of any stream or other water body or well providing a source of potable water, nor within 200 feet of the nearest neighboring residence.

Wind Energy Conversion System (WECS)

- A. Any application for the construction of a WECS shall include, but not be limited to, the following information:
 - (1) The location of the tower on the site and the tower height, including blades.
 - (2) The location of underground utility lines within a radius equal to the proposed tower height, including blades.
 - (3) A dimensional representation of the various structural components of the tower construction, including the base and footings.
 - (4) Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions.
 - (5) A certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code.
- B. In addition, the following standards shall apply:
 - (1) No WECS shall be erected in any location where its overall height, including blades, is greater than the distance from its base to any property line.
 - (2) Access to the tower shall be limited either by means of a fence eight (8) feet high around the tower base with a locking portal or by limiting tower climbing apparatus to no lower than 12 feet from the ground. Front yard standards for fencing as outlined in Chapter 70 shall not be applicable, however the Planning Board may require screening or a specific type of fencing to better complement adjacent land uses.
 - (3) No WECS shall be installed in any location along the major axis of an existing microwave communications link, where the operation of the WECS is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides sufficient evidence satisfactory to the Code Enforcement Officer

indicating the degree of expected interference and the possible effect on the microwave communications link.

- (4) WECS shall be located or installed in compliance with the guidelines of the Federal aviation regulations with regard to airport approach zones and clearance around VOR and DVOR stations.
 - (5) No WECSs shall produce noise in excess of the limits established by the Noise Chapter of the Code of the Town.
 - (6) All sites proposed for WECS shall have sufficient access to unimpeded air flow for adequate operation in accordance to the Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference.
 - (7) Contiguous property owners may construct a WECS for their common use. If property held by more than one (1) single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Board for approval.
 - (8) No WECS shall be installed in a location where the impact on the neighborhood character is determined by the Planning Board to be detrimental to the general neighborhood character.
 - (9) If the WECS is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of approval of the proposed interconnect by the gas and electric company.
 - (10) Towers shall be located in rear yards and screened as determined appropriate by the Planning Board.
 - (11) Guy wires and anchors for towers shall not be located closer than ten (10) feet to any property line.
 - (12) All WECS shall be designed with an automatic brake to prevent over speeding and excessive pressure on the tower structure.
 - (13) The minimum distance between the ground and any protruding blades shall not be less than 15 feet, as measured at the lowest point of the arc of the blades.
- B. Approval procedure. No WECS or wind generator shall be constructed until approved by the Planning Board, in accordance with procedures outlined in Article VI herein.
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Warehouse.

- A. Any building used as a warehouse in the M-1 Zoning District shall not exceed 45,000 square feet in area.
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Industrial Operations and Production

- A. No person shall be permitted to burn or otherwise use the combustion process to dispose of waste or utilize waste in the production of goods or products in the Town of Moreau.
- B. Exceptions. The following uses shall not be subject to this requirement:
 - (1) Approved Landfills
 - (2) Publicly owned treatment works;
 - (3) Anaerobic digesters;
 - (4) Systems used exclusively for combustion of fuels in association with home maintenance or transportation purposes;
 - (5) Reuse or repurpose of products which do not affect air quality
 - (6) Personal composting and gardening on residential or agricultural premises

Definitions

WASTE

Any of the following, or combination of the following: sewage (including, but not limited to, methane or other emissions from animal or human sewage, and including the water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present); solid or liquid waste, including but not limited to all putrescible and nonputrescible materials or substances that are discarded, discharged, deposited, injected, dumped, burned, spilled, leaked, or placed into or on any land or water, or otherwise disposed of, or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection; garbage; trash; rubbish; refuse; industrial, commercial and household waste; plastics; any material that has been source separated for recycling or composting purposes; ash (including, but not limited to, bottom ash, boiler ash, fly ash, incinerator ash); ash and sludge from air or water treatment facilities; sewage sludges; biosolids; "biomass" as defined in Appendix B of New York State Public Service Commission's 9-24-2004 Order Approving Retail Renewable Portfolio Standard (Case 03-E-0188); coal refuse; waste coal; contained gaseous material; incinerator residue; offal; construction and demolition debris; disaster debris; industrial waste, hazardous waste as defined by New York Environmental Conservation Law § 27-0901(3); "waste" as defined by New York Environmental Conservation Law § 27-0901(11); low-level radioactive waste as defined by New York Environmental Conservation Law § 29-0101(1); source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923); high-level radioactive waste; transuranic waste; regulated medical waste as defined by New York Environmental Conservation Law § 27-1501(1); "solid waste" as defined in the Resource Conservation and Recovery Act of 1976 ("RCRA") § 1004(27), 42 U.S.C. § 6904(27); "solid waste" as defined in 6 NYCRR Part 360.2; "solid waste" as defined in NY ECL § 27-0701(1); automobile shredder residue; discarded automobiles; waste tires as defined by New York Environmental Conservation Law § 27-1901(13); pharmaceutical wastes or expired pharmaceuticals; contaminated soil; electronic wastes; processed engineered fuel, refuse-derived fuel, any material determined by the

United States Environmental Protection Agency or state agency to be a nonhazardous secondary material; the solid residue of any air or water pollution control device; and liquid or solid waste generated by stores, offices, warehouses, institutions, and restaurants. Any material that falls under this definition shall not be considered fuel, unless approved and permitted by New York State Department of Environmental Conservation and/or the US Environmental Protection Agency as a fuel, at which time it shall no longer be treated as a waste for purposes of this chapter.