

**VILLAGE OF SINCLAIRVILLE LOCAL LAW NO. __5__
OF THE YEAR 2021**

**A LOCAL LAW
TO AMEND THE VILLAGE OF SINCLAIRVILLE
ZONING LAW**

**BE IT ENACTED BY THE VILLAGE BOARD OF
THE VILLAGE OF SINCLAIRVILLE
AS FOLLOWS:**

SECTION 1. PURPOSE AND INTENT

It is the intention of the Village Board of the Village of Sinclairville to promote the health, safety and general welfare of the residents of the Village of Sinclairville; to provide standard for the safe provision of communications consistent with applicable Federal and State regulations; to minimize the total number of communication towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from communication towers by requiring careful siting, visual impact assessment, and appropriate landscaping thereby protecting the natural features and aesthetic character of the Village of Sinclairville.

SECTION 2. ARTICLE 500 DISTRICT REGULATIONS IS AMENDED AS FOLLOWS:

ADD - SECTION 502 B the following Special Use:
Communication Towers

SECTION 3. ARTICLE VI SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD - SECTION 634 Communication Towers

A. Purpose – The purpose of this Section is to promote the health, safety and general welfare of the residents of the Village of Sinclairville; to provide standard for the safe provision of communications consistent with applicable Federal and State regulations; to minimize the total number of communication towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from communication towers by requiring careful siting, visual impact assessment, and appropriate landscaping thereby protecting the natural features and aesthetic character of the Village of Sinclairville.

B. Application of Special Use Regulation

1. No communication tower, except those approved prior to the effective date of this Section, shall be used unless in conformity with these regulations. No communication tower shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a communication tower unless in conformity with these regulations.

2. Applications proposing to co-locate on a previously approved communication tower do not require a Special Use Permit. They are, however, subject to Site Plan Review in accordance with Subsection J. The Zoning Board of Appeals may require the applicant to submit any of the items under Subsection C(1) below as part of the Site Plan Review process.

C. Shared Use of Existing Tall Structures

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

1. An applicant proposing to share use of an existing tall structure shall be required to submit:

- a. A completed application for Special Use Permit.
- b. Documentation of intent from the owner of the existing facility to allow shared use.
- c. Site Plan. The site plan shall show all existing and proposed structures and improvements, including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for the new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.
- d. An engineer's report certifying that the proposed shared use will not diminish the structure, and explaining what modifications, if any, will be required in order to certify the above.
- e. A completed Environmental Assessment Form.
- f. A copy of its Federal Communications Commission (FCC) license.

2. If any applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with Subsection C(1) above, and if modifications indicated according to Subsection (1) are deemed insignificant by the Zoning Board of Appeals, after the Zoning Board of Appeals conducts a hearing and complies with all SEQRA provisions, the Zoning Board of Appeals shall grant a Special Permit without further review under this Section. If the Zoning Board of Appeals

determines that any modifications indicated according to Subsection C(1) are significant, it may require further review according to Subsections H through P below.

D. New Communication Tower

The Zoning Board of Appeals may consider a new communication 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 with an inventory of all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Zoning Board of Appeals in consultation with the applicant. The report shall outline opportunities for shared use of these 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 as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

E. Shared Usage of an Existing Tower Site for Placement of New Tower

Where shared use of existing tall structures and existing or approved towers is found 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 Subsection D above. Any proposal for a new communication tower on an existing tower site shall be subject to the requirements of Subsections G through O below.

F. No Tower at New Location

The Zoning Board of Appeals may consider a new communications tower on a site not previously developed with an existing tower when the application demonstrates that shared use of existing tall structures, and existing or approved towers is impractical and submits a report as described in Subsection D above; and when the Zoning Board of Appeals determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with Subsection E. Any proposal for a new communication tower shall also be subject to the requirements of Subsection G through P below.

G. New Towers

Future Shared Use.

The applicant shall design a proposed new communications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Zoning Board of Appeals a letter of intent committing the owner of the proposed new tower and his/her successors in interests to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. This letter shall be filed

with the Zoning Officer prior to the issuance of a building permit. The letter shall commit the new tower owner and his/her successor interest to:

1. Respond within ninety (90) days 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 communications providers.
3. Allow shared use of the new tower if another communications provider agrees in writing to pay reasonable charges. The charge may include, but not limited to, a pro-rata share of the cost of the site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all the costs of adapting the tower or equipment to accommodate shared use without cause electromagnetic interference.

H. Site Plan Review

The applicant shall submit the following:

1. An applicant shall be required to submit a site plan which shall show all existing and proposed structures including lighting and improvements including roads, buildings, towers, guy wires and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.
2. Supporting Documentation – The applicant shall submit a complete short Environmental Assessment Form, a complete Visual Assessment Form (visual EAF Addendum), and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification of any clearing required. The applicant shall also submit a copy of its FCC license.

I. Lot Size and Setbacks

All proposed communication tower accessory structures shall be located on a single parcel and shall be setback from abutting parcels 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. If the land is to be leased the entire area required shall be leased from a single parcel unless the Zoning Board of Appeals determines that this provision may be waived.
2. Communications towers shall comply with all existing setback requirements of the underlying zoning district, or shall be located with a minimum setback from any property line equal to at least eight hundred (800) feet or thirty percent (30%) of

the height of the tower, whichever is greater. Accessory buildings shall comply with minimum setback requirements in the underlying zoning district.

J. Visual Impact Assessment

The Zoning Board of Appeals may require the applicant to undertake a visual impact assessment which may include:

1. A Zone of Visibility Map shall be provided in order to determine the locations where the tower may be seen.
2. Pictorial representations of before and after view from any key view points both inside and outside of the Village, 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 Zoning Board of Appeals shall determine the key sites at a pre-submission conference with the applicant.
3. Assessment of the alternative tower designs and color schemes, as described in Section K below.

K. New Tower Design

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

1. Any new tower shall be designed to accommodate future shared use by other communications providers.
2. Unless specifically required by other regulations, a tower shall have a finish that minimize its degree of visual impact.
3. The maximum height of any new tower shall not exceed that which shall permit operation with only that artificial lighting prescribed by State and/or Federal law and/or regulations. The Zoning Board of Appeals at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
4. No lighting shall be permitted unless required by the Federal Aviation Administration. If the tower lighting is necessary, the applicant shall fully disclose to the Zoning Board of Appeals all lighting options. Only the minimal amount of tower lighting necessary to meet State and/or Federal laws and/or regulations shall be authorized. Light pollution or light spillover to the nearby and distant properties shall be minimized to the greatest degree possible by use of shielding. The Zoning Board of Appeals upon review approve only the lighting scheme that it determines to be least obtrusive to the affected properties.

5. The Zoning Board of Appeals 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.

6. Accessory buildings will be non-habitable structures used in conjunction with a communications tower and located on the same lot as the tower. Said buildings shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

7. A sign shall be conspicuously placed near the base of a tower and it shall generally state that danger exists and no access permitted. No portion of any tower or accessory building shall be used for a sign other than as stated or for any other advertising purpose, including but not limited to: company name, phone numbers, banners and streamers.

L. 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 height four (4) feet off the ground) shall take place prior to the approval of a Special Permit.

M. Screening

Deciduous or evergreen tree planting may be required to screen portions of the tower and accessory buildings 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 streets, screening shall be required.

N. Access

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

O. Parking

Parking shall be provided to assure adequate emergency and service access. The Zoning Board of Appeals shall determine the number of required spaces based upon a recommendation from the applicant. Two (2) parking spaces shall be located in any required yard.

P. Fencing

The tower and any accessory building shall be adequately enclosed by a fence, design of which shall be approved by the Zoning Board of Appeals. This requirement may be waived by the Zoning Board of Appeals if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

Q. Inspections and Removal

Periodic inspections of all towers shall be required every five (5) years. Inspections shall be conducted by a licensed engineer. Based on the results of an inspection, repair or removal of any tower may be required. Tower owners shall remove all towers and accessory buildings that are unused for a twelve (12) month period. Tower owners shall immediately notify the Building Inspector of such nonuse. Removal shall be within six (6) months of written notification to the Village or written ninety (90) days notification from the Village. Owners may request a Special Use Permit hearing to request an extension of time for removal for just cause. Failure to notify and/or remove an unused tower in accordance with these regulations shall be a violation.

R. Exemptions

1. Communication Towers may be repaired and maintained without restrictions.

2. Antennas used solely for residential household television and radio reception or transmission which do not exceed twenty-five (25) feet in height measured from ground level adjacent to the house.

3. Satellite antennas measuring six (6) feet or less in diameter.

SECTION 4. TABLE OF CONTENTS ARTICLE 600 SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD - 633 Communication Towers

SECTION 5. SEVERABILITY - If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE - This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: Sinclairville, New York
October _____, 2021

LOCAL LAW #1 OF 2021
A LOCAL LAW TO AMEND THE VILLAGE OF SINCLAIRVILLE
ZONING LAW

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SINCLAIRVILLE AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT

It is the intention of the Village Board of the Village of Sinclairville as part of its goal to limit dependence on imported fossil energy, and decrease greenhouse gas emissions to permit commercial solar energy production systems in the Village of Sinclairville and to minimize impacts to residents and protect scenic viewsheds important to the community.

Commercial solar energy production systems shall be allowed as a use by Special Use Permit in Rural Resource (RR).

SECTION 2. ARTICLE 500 DISTRICT REGULATIONS IS AMENDED AS FOLLOWS:

ADD – SECTION 502 B the following Special Use:

Commercial Solar Energy Production Systems

SECTION 3. ARTICLE VI SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD – SECTION 632 Commercial Solar Energy Production Systems

A. DEFINITIONS.

Commercial Solar Energy Production System – an arrangement or combination of components installed upon land that utilize solar radiation to produce energy designed to provide electricity for on-site or off-site use pursuant to a power purchase agreement.

B. USE REGULATIONS AND SITE PLAN REVIEW

Commercial Solar Energy Production System shall be permitted as a Special Use Permit. In addition to the requirements set forth in this Section, all Special Use Permit uses shall be subject to the site plan review process in Section 907 the project applicant shall provide the following documents, as deemed applicable by the Zoning Board of Appeals:

1. The commercial solar energy system shall be on a parcel of not less than five (5) acres.
2. All ground-mounted panel shall not exceed the height of eight (8') feet unless the applicant can demonstrate special circumstances exist which warrant exceeding the eight (8') feet height requirement. The primary reason for the height restriction is to limit visibility of the structures from neighboring properties.
3. All mechanical equipment of commercial solar energy system, including any structure for batteries or storage cells, are completely enclosed by a minimum eight (8) foot high fence with self-locking gate.
4. The total surface area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, and arrays, shall not exceed 80% of the total parcel area.
5. The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.

6. All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings as well as streets and rights-of-way.
7. All on-site utility and transmission lines are, to the extent feasible, placed underground.
8. the installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
9. The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
10. Property lines and physical features, including roads, for the project site.
11. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
12. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector.
13. Utility Notification – No grid-intertie photovoltaic system shall be installed until evidence has been given to the Zoning Board of Appeals that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
14. Visual Impact – Reasonable efforts as determined by the Zoning Board of Appeals, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
15. Land Clearing, Soil Erosion and Habitat Impacts – Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or an otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.
16. Documentation of the major system components to be used, including the panels, mounting system and inverter.
17. Name, address, and contact information for proposed system installer.
18. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
19. The name, contact information and signature of any agents representing the project proponent.
20. Zoning district designation for the parcel(s) of land comprising the project site.
21. Any Special Use Permit approval granted under this Article shall have a term of twenty (20) years, commencing from the grant of the Special Use Permit, which may be extended for additional five (5) year terms upon application to the Village Board.
22. Abandonment/Decommissioning/Removal
 - (i) Any commercial solar energy production system that is not operated for a continuous period of twenty-four (24) months shall be deemed abandoned. At that time, the owner of

the commercial solar energy production system or the owner of the property where the commercial solar energy production system is located shall remove all components thereof within ninety (90) days of such deemed abandonment or will be in violation of this Section. In the case of a commercial solar energy production system on pre-existing structures, this provision shall apply to the commercial solar energy production system only. Additionally, the Village may recover such costs through the surety bond or escrow referred to in Section 632 C(1)(e).

(ii) This Section is enacted pursuant to Section 10 of the Municipal Home Rule Law to promote the public health, safety and general welfare of Village citizens through removal provisions to ensure the proper decommissioning of commercial solar energy production systems within the entire Village. The removal reduction provision of this Section shall supersede any inconsistent portions of the Village Law and govern the subject of removal of commercial solar energy production systems in this Section.

23. In approving a Special Use Permit, the Zoning Board of Appeals may waiver or modify any of the above criteria if it finds that there is no detriment to public health, safety and welfare.

C. DECOMMISSIONING PLAN, FEE SCHEDULE FOR COMMERCIAL SOLAR ENERGY SITE PLAN APPLICATIONS.

1 All applications for a commercial solar energy system shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the commercial solar energy system. Prior to removal of commercial solar energy system, a permit for removal activities shall be obtained from the Code Enforcement Officer. The Decommissioning Plan shall include the following provisions:

a. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

b. Restoration of soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.

c. Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Village.

d. The disposal of all solid and hazardous wastes shall be in accordance with all local, state, and federal waste disposal regulations.

e. An applicant for a commercial solar energy system may be required at the discretion of the Zoning Board of Appeals to provide a form of surety, either through escrow account, bond or otherwise at the time of application to cover the cost of decommissioning and removal in the event the Village must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Village Attorney who may consult with an engineer. Such surety will not be required for Municipal or State owned facilities. The applicant for the facility shall submit a full inclusive estimate of the cost associated with removal prepared by a professional engineer. This requirement is separate and apart from the performance bond referred to above.

2. The fees for the building permit, site plan review and Zoning Board of Appeals application shall be set forth in the Village of Sinclairville Fee Schedule.

SECTION 4. TABLE OF CONTENTS ARTICLE 600 SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD - 632 Commercial Solar Energy Production Systems

SECTION 5. SEVERABILITY – If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE – This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

VILLAGE OF SINCLAIRVILLE LOCAL LAW NO. 2

OF THE YEAR 2021

A LOCAL LAW TO AMEND

THE VILLAGE OF SINCLAIRVILLE

ZONING LAW ALLOWING

CHICKENS IN A RESIDENTIAL DISTRICT

BE IT ENACTED BY THE VILLAGE BOARD OF

THE VILLAGE OF SINCLAIRVILLE

AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT

The Village Board of the Village of Sinclairville recognizes that the keeping of chickens can be a safe, productive, nondisruptive practice, provided that such animals are properly cared for in a clean, structurally sound environment, kept in appropriate numbers, and maintained at a reasonable noise level, with food sources properly contained and managed to avoid odors or the attraction of wildlife or vermin. Accordingly, the Village of Sinclairville hereby enacts a local law to regulate the keeping of chickens on residential properties with less than five (5) acres within the Village's residential zoning district (R) (hereinafter referred to as "Residential Zoning District") so as to ensure that these animals are kept and maintained in a manner that protects the Village and its residents from nuisances associated with their keeping. This article shall not apply to any lots located in any of the other Zoning Districts, Commercial District (C) or Rural Resource District (RR).

SECTION 2. ARTICLE 500 DISTRICT REGULATIONS IS AMENDED AS FOLLOWS:

ADD – To Section 502 C the following use: Raise chickens as allowed by Article 600 Section 633 of the Supplemental Regulations.

SECTION 3. ARTICLE 600 SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD SECTION 633 RAISING CHICKENS

A. DEFINITIONS

1. CHICKEN – for the purposes of zoning, a chicken (Gallus Domesticus) refers only to a female chicken
2. COOP – the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators.
3. COOP ENCLOSURE – an outdoor area that is enclosed on all sides, including the top, by fencing that is attached to or surrounding the coop and sufficiently constructed to prevent entrance by predators.

B. USE REGULATIONS – It shall be lawful for any person to keep, permit or allow any chickens in the Residential Zoning Districts under the following terms:

1. No person shall keep, maintain, house or possess more than six (6) chickens.
2. No chickens shall be allowed in multifamily complexes without the expressed written consent of the owner of the building and all tenants residing in the building other than the applicant.
3. No roosters shall be allowed.
4. All coops and coop enclosures maintained for the keeping of chickens shall comply with the rear and side yard setback requirements set forth in Article 500, Section 501 D herein for the respective Residential District (R)
5. No property may have more than one (1) coop and coop enclosure for the keeping of chickens.
6. All coops and coop enclosures shall be limited to the rear yard as such is defined in Section 501 herein.
7. All coops and coop enclosures shall be constructed and maintained in such a manner as will safely and securely house chickens and shall be kept free of rodent infestation at all times
8. Coops and coop enclosures shall be suitably screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said coop or coop enclosure is located in such a manner as not to be visible from the surrounding residences and streets.
9. All feed and other materials associated with the keeping of chickens shall be protected in a container with a tightly fitted lid so as to prevent the attraction of rodents and other pests.
10. There shall be no less than two (2) square feet of floor space per chicken in any coop in which such chickens are kept. The coop shall be large enough to provide adequate access for cleaning and egg collecting
11. There shall be no less than ten (10) square feet per chicken in any coop enclosure
12. Chickens shall be confined at all times to the property on which they are kept, possessed or maintained.
13. Chickens shall be provided with adequate food and water at all times
14. Any chickens maintained, housed or possessed and all eggs produced from said chickens shall be for the sole use and consumption of the homeowner or tenant in possession and shall not be offered for resale. No person shall engage in chicken breeding or fertilizer production for commercial purposes

SECTION 4. TABLE OF CONTENTS ARTICLE 600 SUPPLEMENTAL REGULATIONS IS AMENDED AS FOLLOWS:

ADD - 633 Raising Chickens

SECTION 5. SEVERABILITY – If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE – This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.