

***Town of Hamden, Delaware County, New York***  
***Comprehensive Plan - 2010***

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**6.0 Appendices**

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# **APPENDIX A**

## **Sample Junkyard Law**

## **Sample Junkyard Law (for review and discussion only)**

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A local law regulating the operation of junkyards in the Town of (INSERT).

Be it enacted by the Town Board of the Town of (INSERT), Delaware County, New York as follows:

### § 10-1. Purpose.

This Law is enacted for the purpose of establishing minimum health and safety standards for junkyards in the Town of (INSERT). The regulations contained are enacted pursuant to the authority granted towns by § 136 of the General Municipal Law and § 136(1) of the Town Law.

### § 10-2. Jurisdiction and Scope.

This Law shall apply to all junkyards hereafter proposed in the Town of (INSERT) and expansions of existing junkyards. The following land uses shall be exempt from these requirements provided they do not include a junkyard operation:

- A. Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
- B. Agricultural equipment which is utilized as part of an active farming operation or contractors' construction equipment which is part of an active contracting business.
- C. Automobile repair businesses or automobile, vehicle and equipment sales operations managed by State licensed dealers.

### § 10-3. Definitions.

The term "junkyard" shall be interpreted and are hereby defined as follows:

- A. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used materials, including but not limited to wastepaper, rags, metal, glass, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other disposition of the same.
- B. Any place where more than five (5) old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, are stored outside for any purpose for a period of six (6) months or more. The Town of (INSERT) Code Enforcement Officer(s) shall determine when a vehicle or part thereof shall meet these conditions and it shall be the burden of the landowner in such instance to demonstrate conclusively, within a period of seven (7) days after notice, that a vehicle is legally operable.

### § 10-4. License Required.

- A. No owner or occupant of any land within the Town of (INSERT) shall use or allow the use of such land for a junkyard unless a license has been obtained and maintained as herein provided, which license shall be applied for concurrently with application for site plan review pursuant to the Town of (INSERT) Site Plan Review Law.

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- B. The Code Enforcement Officer of the Town of (INSERT) shall issue a license within ten (10) days after approval of the application by the Town Planning Board pursuant to this Law and the site plan review criteria contained in the Town of (INSERT) Site Plan Review Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer for failure to comply with this Law.
- C. No license shall be issued until the Code Enforcement Officer has received;
  - (1) A written application from the applicant on the form provided by the Town Code Enforcement Officer.
  - (2) The required fees.
- D. The license may be transferred to a new owner of a junkyard provided all of the requirements of this Law are met and the Town is so notified.
- E. Any disapprovals shall be in writing and include the reasons therefore.
- F. The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right, at all reasonable times, to enter and inspect any junkyard. The Town Board shall specify the frequency of such inspections.
- G. If the Code Enforcement Officer finds that a junkyard for which a license has been issued, is not being operated in accordance with this Law, he may serve, personally or by certified mail to the holder of the license, a written order requiring the the licensee to make the corrections specified in such order within ten (10) days.
- H. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend or revoke such license and the holder of the license shall thereupon terminate the operation of such junkyard.
- I. Any license not used for the purpose intended within two (2) years of the date of issuance shall automatically expire.
- J. Junkyard owners shall be required to renew licenses every two years. Information required for renewal, however, shall be limited to ownership data, the number of vehicles stored on site, copies of State and other permits required and evidence regarding compliance with previously established conditions of site plan approval and/or license issuance. An inspection of the junkyard premises by the Town Code Enforcement Officer and/or other Town officials shall be made to ascertain compliance with these regulations and the license requirements as a condition of renewal.

### § 10-5. Standards Applicable to New Junkyards.

All new junkyards shall conform to the following standards:

- A. Junkyards shall be located no closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property.

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- B. All new junkyards must erect and maintain a eight (8) foot fence or dense natural screening along the boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals. Such fence or screening shall also substantially screen the junkyard from public view and otherwise comply with the requirements of § 136 of the General Municipal Law.
- C. No junkyard shall be used as a dumping area for refuse or for the burning of trash.
- D. All dismantling operations shall take place inside an enclosed structure and any parts of vehicles or equipment shall similarly be stored inside an enclosed structure. All vehicles awaiting dismantling or retained for sale or use intact shall be stored in improved parking areas specifically designated for this purpose.
- E. The Planning Board, in acting upon the Site Plan Review application for any new junkyard, shall consider aesthetics and the impact on surrounding property consistent with the demands of § 136-7 and § 136-8 of the General Municipal Law.

### § 10-6. Standards Applicable to Existing Junkyards.

Existing junkyards shall be exempt from all requirements of this Law except as to expansions beyond the 5 vehicles provided for herein. A junkyard shall be considered expanded if there is any increase in the number of old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, that are stored outside for any purpose for a period of six (6) months or more, or there is any enlargement of the land area used for the junkyard operation.

### § 10-7. Site Plans, Notifications and Fees.

- A. Any person or persons proposing to establish or expand a junkyard in the Town of (INSERT) shall prepare site plans of the same to be submitted to the Planning Board under Site Plan Review procedures. Plans shall be prepared by a professional engineer at a scale of one (1) inch equals one-hundred (100) feet or larger. They shall be in sufficient detail to document compliance in every respect with the standards of this Law.
- B. The Town Board shall establish and may, from time to time, revise a fee schedule for junkyard plan submissions, inspections, licenses and renewals.

### § 10-8. Variation of Standards.

Variations to these standards may be approved by the Town Board upon recommendation of the Town Planning Board or Code Enforcement Officer to accommodate unusual site conditions.

### § 10-9. Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this Law and subject to a fine of not more than five-hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.

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B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this Law.

§ 85-10. Severability.

Should any section of provisions of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 85-11. Effective Date.

This law shall be effective \_\_\_\_\_, 2000.

SAMPLE  
ONLY

**APPENDIX B**  
**Sample Conservation**  
**Subdivision Provisions**

## Sample Conservation Subdivision Provisions (for review and discussion only)

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### **Conservation Subdivisions**

1. The Town of Hamden Planning Board shall be authorized, pursuant to and in supersession of § 278 of the Town Law, to modify applicable provisions of the Town of Hamden Subdivision Regulations so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within the Town of Hamden and be processed pursuant to subdivision plat approval procedures.
2. The Planning Board may require conservation subdivisions, as a form of development, in those instances where conventional subdivisions or residential developments would cause significant loss of open space or otherwise result in significant negative environmental impacts.
3. Conservation subdivisions provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings. Proposed developments shall be processed in the same manner as a major subdivisions and in accord with the standards below.
4. Conservation subdivisions shall include at least five (5) lots and 10 acres of land and the Planning Board shall have the authority to require an alternative Sketch Plat, for any subdivision of ten (10) lots or more, depicting how the property might be developed using this technique. If this alternative Sketch Plat is determined to provide a superior design in accord with the purposes of this Law and the same density can be achieved, the Planning Board may than require use of this technique.
5. The maximum permitted number of dwelling units may be determined by deducting from the total tract area:
  - (1) All areas within the rights-of-way of any existing or proposed streets; and
  - (2) All areas occupied by public utility easements.
  - (3) All wetlands, floodplains, slopes of 25% or more, water bodies and other undevelopable areas.

The net figure shall then be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted. If this figure should exceed the density the Town of Hamden Planning Board has, from review of the sketch or yield plan submitted, determined to be possible using a conventional subdivision design, then the higher density may be employed.
6. Only single-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings.
7. Development standards for lot size, lot width and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than 30,000 square feet of land where on-site sewer and water facilities are to be provided or 15,000 square feet of land where off-site sewer and water facilities are to be provided. Yard and other requirements may also be reduced.
8. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No

## **Sample Conservation Subdivision Provisions (for review and discussion only)**

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less than 40% of the total land area of the conservation subdivision shall be dedicated to permanent open space and at least 25% of the such open space shall be usable for active recreational activities and not include water bodies, wetlands, floodplains, slopes over 25% in grade or other undevelopable areas.

9. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a home owner's association (HOA) prior to the sale of any lots or dwelling units by the subdivision. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the HOA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the HOA's cost and the HOA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The HOA must also have the ability to adjust the assessment to meet changing needs.

SAMPLE ONLY

# **APPENDIX C**

## **Sample Mobile Home Law**

# **Sample Mobile Home Law (for review and discussion only)**

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BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HAMDEN, DELAWARE COUNTY, NEW YORK, AS FOLLOWS:

## **1.0 Purpose.**

The purpose of this Law is to promote the general welfare of the Town of Hamden, including the retention of its rural character, preservation of the qualities of its natural environment and the protection of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of manufactured (manufactured) home parks.

## **2.0 Definitions.**

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

- 2.1 Mobile Home (a/k/a "Manufactured Home"). A factory-built single-family dwelling constructed on a chassis to facilitate its transportation to the site. Such structures shall be self-contained single units (excludes modular homes), and shall meet the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and applicable standards of the New York State Uniform Fire Prevention and Building Code. A mobile home shall not be construed to be a travel trailer or a recreational vehicle. Double-wides shall be considered mobile homes, not modular homes.
- 2.2 Mobile Home Lot. A designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.
- 2.3 Mobile Home Park. A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing five (5) or more mobile homes for occupancy as single-family dwellings.
- 2.4 Mobile Home Stand. A durable surface located on a mobile home lot which is capable of supporting and which is used for placement of a mobile home.
- 2.5 Modular Home. A factory-built dwelling which is not constructed on a chassis so as to allow repeated towing.

## **3.0 Licenses Required for Mobile Home Parks.**

- 3.1 No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Hamden, shall use or allow the use of such land for a mobile home park unless a license has been obtained as herein provided.
- 3.2 Issuance of license.
  - 3.2.1 The Town Code Enforcement Officer of the Town of Hamden shall issue a license after approval of the application by the Town Planning Board. The Board shall apply site plan review criteria contained in the Town of Hamden Site Plan Review Law as a factor in making a decision on the project but only after the Town Board shall have first created a district for such housing as provided for in that Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer and shall be renewed annually based on an inspection by the Code Enforcement Officer as to continued compliance with the standards of this Law.

## **Sample Mobile Home Law (for review and discussion only)**

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- 3.2.2 No license shall be issued until the Code Enforcement Officer has received;
- (1) A written application from the applicant on the form provided by the Town Code Enforcement Officer.
- (2) The required fee as herein provided. Such fees shall be set by resolution of the Town Board.
- (3) Evidence there is a or will be a New York State Approved sewage disposal system designed by a Licensed Professional Engineer.
- 3.2.3 The license shall be transferred to a new owner of a mobile home park provided all of the requirements of this Chapter are met and provided the Town is so notified.

### 3.3 Supplemental license.

- 3.3.1 Any person holding a license for a mobile home park who desires to add additional lots to such park shall file an application for a supplemental license.
- 3.3.2 The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new mobile home parks.
- 3.3.3 When approved, the Town Code Enforcement Officer shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revocation by the Code Enforcement Officer.
- 3.4 The applicant shall pay the Town such a fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.

### **4.0 Application Procedure.**

- 4.1 Each application for a mobile home park license shall be in writing and signed by the applicant.
- 4.2 Four (4) copies of the application and plans and related information shall be filed with the Code Enforcement Officer on a form supplied by the Code Enforcement Officer. No application shall be deemed filed until all required information shall have been filed with the Town of Hamden Planning Board. The Planning Board shall advise the applicant of any such deficiencies within thirty (30) days of its receipt thereof.
- 4.3 The Code Enforcement Officer promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the site plan review and special use requirements of the Town of Hamden Zoning Law and New York State Town Law.
- 4.4. The Code Enforcement Officer, within ten (10) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.

## **Sample Mobile Home Law (for review and discussion only)**

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- 4.5 Any disapprovals shall be in writing and include the reasons therefore. The Code Enforcement Officer shall not issue a license, in any instance, where the Board has not approved the Site Plan. If the application is disapproved, the applicant shall have the right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.
- 5.0 Application Data.**
- 5.1 Each application shall be accompanied by four (4) complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- 5.2 Each application shall contain the following information:
- 5.2.1 The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
  - 5.2.2 The description of the land that is proposed to be used as a mobile home park, together with a map showing its location in the Town.
  - 5.2.3 The number of lots to be provided in such mobile home park.
  - 5.2.4 The names and addresses of the owners of the property on which the mobile home park is to be located and a written statement signed by the owners consenting that the premises be used for a mobile home park.
- 5.3 Four (4) copies of a location map shall be presented with the application which shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- 5.4 Proposed development. The application shall be accompanied by four copies of a development plan showing the following:
- 5.4.1 The location and widths of all entrances, exits and streets.
  - 5.4.2 The location, size and arrangement of each lot within the park.
  - 5.4.3 The method and plan for electric lighting.
  - 5.4.4 The location and plan of all proposed structures and improvements.
  - 5.4.5 Plans for landscaping.
  - 5.4.6 Storm water drainage.
  - 5.4.7 Utilities.
  - 5.4.8 Off-street parking facilities.

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- 5.4.9 Fencing and screening.
- 5.4.10 Signs and other structures.
- 5.4.11 Names of owners of adjoining properties.
- 5.4.12 Recreational facilities.
- 5.4.13 Location and type of trash receptacles.
- 5.4.14 All other applicable information required by the Town Site Plan Review Law.

### **6.0 Requirements for Mobile Home Parks.**

#### **6.1 Site**

- 6.1.1 The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
- 6.1.2 The park shall be at least ten (10) acres in size and have at least three-hundred (300) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new such road may be approved as part of the plan.

#### **6.2 Mobile Home Lots**

- 6.2.1 Each mobile home park shall be marked off into mobile home lots.
- 6.2.2 Reserved.
- 6.2.3 Each mobile home lot shall have a total area of not less than 8,000 square feet.
- 6.2.4 No more than (1) mobile home shall be placed on any mobile home lot.
- 6.2.5 The lot numbers shall be legibly noted for each lot on the plans submitted

#### **6.3 Mobile Home Placement**

All mobile homes shall be parked or otherwise be located:

- 6.3.1 At least fifty (50) feet from an adjacent mobile home.
- 6.3.2 At least seventy-five (75) feet from an adjacent property line.
- 6.3.3 At least seventy-five (75) feet from right of way line of public street or highway.
- 6.3.4 At least twenty-five (25) feet from the nearest edge of any roadway located within the park.

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- 6.4 manufactured Home Stand. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on a permanent foundation or the lot of both the mobile home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.
- 6.5 Accessibility and Lighting
- 6.5.1 Each mobile home park shall be accessible from an existing public highway or street.
- 6.5.2 Where a mobile home park has more than sixteen (16) mobile homes, two (2) points of entry and exit shall be provided.
- (1) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
- (2) No individual mobile home shall have direct access to a State, County or Town road without first entering a street or driveway in the mobile home park leading to an exit. This requirement may be waived by the Planning Board for good cause in the case of individual park lots.
- (3) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
- (4) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached and shall be at least fifty (50) feet in width.
- 6.5.3 Each mobile home park shall have roads to provide for the convenient access to all mobile home lots and other facilities within the park.
- (1) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, dustless all-weather surfaces.
- (2) All roads shall have the following minimum pavement widths:
- [a] One way traffic movement - 12 feet  
[b] Two way traffic movement - 20 feet
- (3) The roads shall be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications.
- (4) Except in cases of emergency, no parking shall be allowed on such street unless such street is at least 28 feet wide, in which case parallel parking shall be allowed on one side of the street only.
- 6.5.4 All means of egress, drives and public places shall be adequately lighted.
- 6.5.5 One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater than thirty-two (32) square feet in area and shall not extend more than eight (8) feet

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above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line and meet all other applicable sign requirements of the Town of Hamden Zoning Law.

### 6.6 Parking

6.6.1 Two (2) off-street parking spaces shall be provided on each mobile home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet

6.6.2 One off-street parking space or common area, readily accessible to the occupants of the mobile homes it is intended to serve, shall be provided for each five (5) mobile home sites to accommodate guests and delivery and service vehicles.

### 6.7 Utilities and Service Facilities

The following utilities and services shall be provided in each mobile home park in accordance with the regulations and requirements of the New York State Department of Health:

6.7.1 An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to mobile home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.

6.7.2 Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private off-site sewer system meeting New York State Department of Health standards so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.

6.7.3 Garbage containers with tight fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no farther than two-hundred-fifty (250) feet from any mobile home lot, shall be stored in covered collecting enclosures and garbage shall be removed and disposed of as frequently as may be necessary to ensure that such containers shall not overflow. The operator of the mobile home park shall provide for all trash removal services.

6.7.4 Mobile homes which do not contain toilets, lavatory and tubs or showers shall not be permitted in any mobile home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager or the park in a clean, sightly and sanitary condition.

6.7.5 Each mobile home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

### 6.8 Recreation and Open Space

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- 6.8.1 Each mobile home park shall provide common open space for the use of the occupants of the park.
- 6.8.2 Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least fifty (50) percent of the gross land area of the park such that the net overall density of the park shall not exceed one (1) dwelling unit or mobile home per 16,000 square feet of park land area..
- 6.8.3 Any mobile home park or more than ten (10) mobile home sites shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than two (2) acres in size. Each mobile home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each mobile home to the recreation and other open space areas created. Unless the park shall be restricted to senior citizens, it shall also include at least one improved ballfield. These recreational improvements shall be included on the landscaping plans presented as part of the application package.
- 6.9 Landscaping
- 6.9.1 Ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.
- 6.9.2 Screening acceptable to the Planning Board and Code Enforcement Officer shall provide for adequate shade and a suitable setting for the mobile homes and other facilities. It shall include landscaping materials meeting the requirements of § 4.12 of the Town of Hamden Zoning Law. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board and Code Enforcement Officer. Such screening shall be designed to create and maintain a high quality neighborhood character for existing residents as well as new mobile home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of mobile home residents and of all mobile homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the mobile home park to buffer individual mobile homes, provide shade and green areas and ensure a wholesome living environment.
- 6.9.3 Skirting acceptable to the Planning Board and Code Enforcement Officer shall be installed along the perimeter of each mobile home, extending from the mobile home stand to the floor of the mobile home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual mobile home sites and ensure effective separation of mobile homes from each other for purposes of privacy as well as aesthetics.

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6.10 The owner or operator of each mobile home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each mobile home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the mobile home or the person bringing the same into the court. Such register shall be open for inspection to the Town Code Enforcement Officer, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.

### 6.11 Fire District Approval and Firefighting Requirements

6.11.1 No application for a mobile home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district fire-fighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the fire-fighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.

6.11.2 If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board and Code Enforcement Officer, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the mobile home park.

6.12 No sales of mobile homes for off-site placement shall be permitted within the mobile home park, excepting for previously occupied mobile homes sold individually by residents of the mobile home park. Also, no mobile home shall be used for rental purposes except for temporary periods in those instances where an individual owner of such home, not including the mobile home park operator, shall have placed such home on-site for purposes of personal occupancy and is no longer, for reasons of health or circumstance able to live there.

6.13 No individual mobile home shall be placed anywhere within the Town of Hamden for a period of six (6) months or more for any purpose other than use as a dwelling.

6.14 Storage of any unlicensed vehicles within a mobile home park for a period six (6) months or more is prohibited.

### 7.0 Enforcement.

The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any mobile home park or other premises used for the parking and placing of mobile homes.

7.1 If the Code Enforcement Officer finds that a mobile home park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve, personally or by certified mail to

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the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Code Enforcement Officer shall, for purposes of determining compliance with this Law, be authorized to make periodic inspections of all mobile home parks and shall be provided entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.

- 7.2 If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend such license and the holder of the license shall thereupon terminate the operation of such mobile home park provided residents have been afforded adequate opportunities consistent with State and/or Federal law to re-locate.
- 7.3 However, if the owner or operator of such mobile home park shall thereafter correct such conditions and bring the mobile home park into compliance with this Law, such owner may then apply for the issuance of a new license for such park and if the application is approved and a license granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.
- 7.4 Any license which is not used for the purpose intended within two (2) years of the date of issuance as evidenced by placement of the home(s) on the designated site, shall automatically expire.
- 7.5 No license for a mobile home park, or any portion of a mobile home park, shall be issued unless and until all improvements as required herein, including landscaping and screening, have been physically installed, inspected and approved by the Code Enforcement Officer, excepting that roads shall be approved by the Town Highway Superintendent in consultation with the Town Engineer as may be required. In those instances where a mobile home subdivision is to be created and individual lots are to be conveyed for purposes of placing a mobile home, all required improvements will be installed or financially secured pursuant to Section 277 of the Town Law and all other requirements of the Town of Hamden's Subdivision Law shall be met. Such subdivisions shall be subject to the development standards provided herein and in the Town Zoning and Subdivision Laws. Should the latter development standards and the standards herein conflict the more restrictive standard shall apply.

### **8.0 Penalties.**

- 8.1 Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than one-hundred dollars (\$100) or more than three-hundred-fifty dollars (\$350). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- 8.2 In addition to the above provided penalties, the Code Enforcement Officer may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.

## **Sample Mobile Home Law (for review and discussion only)**

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8.3 This § 8.0 is enacted pursuant to § 10 of the Municipal Home Rule Law and is intended to supersede § 135 of the New York State Town Law.

### **9.0 Exceptions.**

None of the provisions of this Law shall be applicable to the following:

9.1 The business of mobile home sales, except that where units are used as living quarters, they shall conform with the provisions of this Law

9.2 The storage of an unoccupied mobile home, provided, however, that such unoccupied mobile home shall not be parked or located between the street line and the front building line of any premises or within any required yard area.

9.3 A mobile home located on the site of a construction project, survey project or other similar work project which is used solely as a field office or work or tool house in connection with such project, provided that such mobile home is removed from such site within thirty (30) days after the completion of such project.

9.4 A modular house or factory-mobile home, other than a double-wide mobile home, which is prefabricated in sections, transported to the building site then fastened together and anchored to a permanent and totally enclosed masonry foundation and which has a minimum width of 24 feet for its entire length and contains a minimum of 960 square feet of usable living space.

### **10.0 Validity and Non-waiver.**

10.1 If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.

10.2 The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance; by the holder thereof, by the property owner or by any occupant; of any court or mobile home park statute of the State of New York Law or health regulation of the State of New York or the County of Delaware or the Town of Hamden or of any provision of this Law.

### **11.0 Waivers.**

11.1 The Planning Board may, for good cause shown, authorize waivers from the strict interpretation of the provisions of this Law affecting existing mobile home parks and mobile homes.

11.2 Procedure for waivers

11.2.1 The owner of an existing mobile home park or mobile home outside a mobile home park may apply for a variance by filing an application with the Code Enforcement Officer together with an application for a license setting forth the reasons for the variance.

11.2.2 Fees for waiver applications shall be established by resolution of the Town Board.

**Sample Mobile Home Law  
(for review and discussion only)**

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**13.0 Separability.**

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SAMPLE  
ONLY

**APPENDIX D**  
**Sample Right to Farm Law**

# Sample Right to Farm Law (for review and discussion only)

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BE IT ENACTED AND ORDAINED BY THE TOWN OF HAMDEN, NEW YORK, AS FOLLOWS:

## 1.0 Legislative Intent and Purpose

The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of Hamden. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day to day operations involved in farming so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of Hamden, it is necessary to limit the circumstances under which farming may be deemed to be nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

## 2.0 Definitions

- 2.1 "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
- 2.2 "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
- 2.3 "Agricultural products" shall mean those products as defined in section 301(2) of Article 25-AA of the State Agriculture and Markets Law, including but not limited to:
- 2.3.1 Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
  - 2.3.2 Fruits, including apples, peaches, grapes, cherries and berries.
  - 2.3.3 Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
  - 2.3.4 Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
  - 2.3.5 Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
  - 2.3.6 Maple sap and sugar products.
  - 2.3.7 Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.

## **Sample Right to Farm Law (for review and discussion only)**

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- 2.3.8 Aquaculture products, including fish, fish products, water plants and shellfish.
- 2.3.9 Short rotation woody crops raised for bio-energy.
- 2.3.10 Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
- 2.4 "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.
- 2.5 "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.

### **3.0 Right-to-Farm Declaration**

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- 3.1 Reasonable and necessary to the particular farm or farm operation,
- 3.2 Conducted in a manner which is not negligent or reckless,
- 3.3 Conducted in conformity with generally accepted and sound agricultural practices,
- 3.4 Conducted in conformity with all local state, and federal laws and regulations,
- 3.5 Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
- 3.6 Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

### **4.0 Notification of Real Estate Buyers**

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/ or their agents and assigns to comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows:

## **Sample Right to Farm Law (for review and discussion only)**

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"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district. A copy of this notice shall included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

### **5.0 Resolution of Disputes**

- 5.1 Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25-AA of the State Agriculture and Markets Law.
- 5.2 Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- 5.3 The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.
- 5.4 The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- 5.5 The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each consider to be pertinent facts. No party bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.
- 5.6 Any reasonable costs associated with the function of the committee process shall be borne by the participants.

## **Sample Right to Farm Law (for review and discussion only)**

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### **6.0 Severability Clause**

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

### **7.0 Precedence**

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

### **8.0 Effective Date**

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

SAMPLE ONLY

**APPENDIX E**  
**Sample Renewable**  
**Energy Provisions**

## Sample Renewable Energy Provisions (for review and discussion only)

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BE IT ENACTED THE TOWN OF HAMDEN SITE PLAN REVIEW LAW / SUBDIVISION REGULATIONS BE AMENDED TO ADD THE FOLLOWING:

### Renewable Energy Systems

1. Intent

It is the intent of this Section 618 to encourage business and residential use of renewable energy systems in the Town of Hamden, including geothermal, solar and wind energy systems as defined herein. It is further intended to facilitate the placement of required infrastructure for such systems on buildings and lots, recognizing these improvements often involve special design and location requirements.

2. Definitions

The following special definitions shall apply to this section:

A. Geothermal Energy System – Equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building. A geothermal energy system consists of a closed-loop system of pipes filled with liquid, a heat exchanger and heat pump.

B. Solar Energy System – Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. For the purposes of this law, a solar energy system does not include any solar collection system of four square feet in size or less.

C. Wind Energy System – Equipment used to produce electricity by converting the kinetic energy of wind to rotational, mechanical and electrical energy. A wind energy system consists of the turbine apparatus (rotor, nacelle and tower) and any other buildings, support structures, or other related improvements necessary for the generation of electric power.



3. General Standards

The following standards shall apply to all renewable energy systems, including geothermal, solar and wind energy systems:

A. Use Classification – Except for systems designed to produce 100 kW or the equivalent in energy, which systems shall be considered manufacturing and

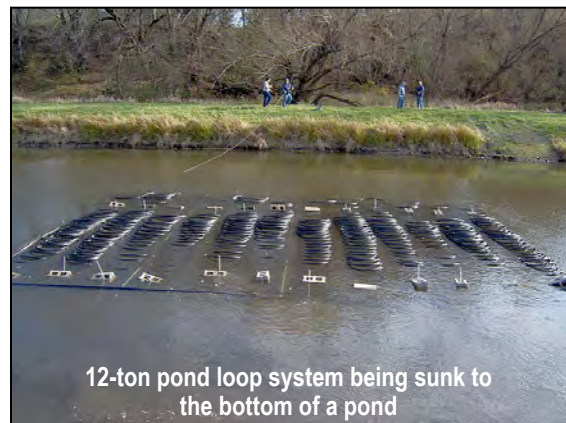
## Sample Renewable Energy Provisions (for review and discussion only)

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industry uses for purpose of this law, all renewable energy systems shall be considered accessory uses permitted in conjunction with any principal use. Notwithstanding this classification, such accessory uses may be placed on a lot separate from the principal use they serve, provided such principal use is located in the Town of Hamden or an adjoining municipality.

- B. Setbacks – Renewable energy systems are not permitted within 10 feet of any property line or 35 feet of front lot line, except for underground systems, which may extend to within five feet of a property line, provided that no stand-alone renewable energy system structure shall be placed within a distance equal its own height from such property line or block the majority of sunlight from entering the window of any structure on an adjoining property.
  - C. Compliance with Building Code – Any installation of a renewable energy system shall comply with any and all applicable provisions of the New York State Uniform Building and Fire Prevention Code and associated codes.
  - D. Utility Notification – No alternative energy system shall be installed unless evidence has been provided to the Town of Hamden that the utility company has been informed of the customer's intent to install an interconnected customer-owned power generation system. Off-grid systems shall be exempt from this requirement.
  - E. Permit Requirements – Building permits shall be required for all renewable energy system installations as defined herein.
4. Geothermal Energy System Standards

- A. Location – Ground source geothermal energy systems shall be located entirely within the subject property, or within appropriate easements secured for this particular purpose. No part of any such system shall be located within public rights-of-way. The heat-exchanger part of a geothermal system may also be located within a pond or lake on the landowner's property, subject to the requirements of New York State law and site plan review by the Town of Hamden Planning Board, but no portion of a geothermal system shall be located within a stream or the Upper Hamden River.



## Sample Renewable Energy Provisions (for review and discussion only)

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- B. Water Well Protection Zones – Geothermal energy systems within designated water well protection zones shall comply with all State of New York and Town of Hamden requirements pertaining to protection of public water supply systems and be subject to site plan review by the Town of Hamden Planning Board. Vertical or deep-bore geothermal systems are not permitted within these zones.
- C. System Design – Open-loop geothermal systems that include one or more supply wells and one or more diffusion, recharge, return or injection wells shall comply with all New York State Department of Environmental Conservation standards and be subject to site plan review by the Town of Hamden Planning Board. Water removed from an aquifer must be returned to that same aquifer and within 50 feet vertically, in either direction, of the withdrawal point.

### 5. Solar Energy System Standards

- A. Location – Solar panels or arrays shall be placed on a principal or accessory structure, on the ground or on a monopole not exceeding 35 feet in height.
- B. Height – The height of the solar panel or array shall be the minimum necessary to generate usable energy; but shall not exceed the height limitations for any structure to which it is attached, provided that structures intended solely for purposes of supporting such solar equipment shall not exceed 35 feet and any placements on existing structures at a height of more than 35 feet shall be subject to site plan review by the Town of Hamden Planning Board. The height of the equipment or the building and equipment combined shall, in all instances, be measured with the solar panel or array oriented toward a full tilt, where applicable.
- C. Setbacks – A solar panel or array shall, where attached to an existing structure, comply with the required setbacks for such structure, provided that attachments to existing non-conforming structures shall not further encroach on such setbacks where already exceeded.
- D. Surface Area – The total surface area of all ground-mounted and freestanding solar panels and arrays on a lot shall not exceed 1,200 square feet, provided that non-residential placements exceeding this size may be approved by the Town of Hamden Planning Board, subject to site plan review and a determination such placement will still constitute an accessory use.



## Sample Renewable Energy Provisions (for review and discussion only)

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E. Installation – All solar collector installations must, prior to operation be inspected by the utility company providing service to the area.



F. Energy Storage – When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Building and

Fire Prevention Code and associated codes when in use. When no longer used, such devices shall be safely disposed of in accordance with the laws and regulations of New York State and the Town of Hamden.

G. Removal – If a solar collector ceases to perform its originally intended function for more than 24 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities within 90 days of an order by the Town of Hamden Building Inspector for such removal.

H. Restriction on Prohibitions – No homeowner or property owner association shall prohibit solar energy systems. Covenants and restrictions connected with projects requiring Special Use permits, site plan review or subdivision approval shall be reviewed for purposes of ensuring there are no such prohibitions. Landowners subdividing property may also be required to designate protected solar envelopes on new individual lots being created and designate building orientations to ensure the long side of each home face is within 30 degrees of South, wherever practical.

### 6. Wind Energy System Standards

A. Height – The height of a wind energy system shall be the minimum necessary to produce usable power. No part of a wind energy system, including the rotor blades while in operation, shall exceed 75 feet above ground level or 20 feet above the base height limit of the underlying zone, whichever is greater. The height may be increased to a maximum of 150 feet on parcels of five or more acres by the Town of Hamden Planning Board, subject to site plan review and findings that granting of the additional height would allow use of a wind energy system where none would otherwise be practical and the support structures are designed to blend in with the architectural character and or landscape of the surrounding area.

## Sample Renewable Energy Provisions (for review and discussion only)

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- B. Size – The maximum diameter of rotor blades shall be no more than 10 feet, provided that this diameter may be increased to a maximum of no more than 15 feet, where such increased rotor diameter is documented as the minimum necessary to produce usable power.
- C. Clearance of Blades – No part of a wind energy system shall extend within 10 feet of the ground. No blades shall extend over parking areas, driveways or sidewalks.
- D. Noise – Wind energy systems shall ordinarily not exceed 45 dBA as measured at the nearest adjacent property line, provided such facilities may generate up to 10 dBA above the ambient noise level where other best management practices are being followed. A noise study verifying such noise level is not being exceeded may be required to be submitted where equipment is to be located within 100 feet of a property line or the noise will exceed 45 dBA.
- E. Transmission Lines – Power transmission lines from the tower to any building or other structure shall, to the maximum extent practicable, be located underground.
- F. Communications Equipment – No television, radio or other communication antennas may be affixed or otherwise made part of any wind turbine, except with approval by the Town of Hamden Planning Board based upon site plan review to ensure such equipment will not interfere with existing communications equipment or overwhelm the primary purpose of generating renewable energy.
- G. Visual Impacts – No advertising signs are allowed on any part of the wind energy facility, including fencing and support structures. Other measures to reduce the visual impact of wind turbines shall also be employed to the maximum extent practicable. Monopole towers shall be used wherever practicable. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.



## Sample Renewable Energy Provisions (for review and discussion only)

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### 7. Modification of Standards

The Town of Hamden Planning Board may, subject to the limitations of this section and site plan review, appropriately modify these and other other development standards of the Town of Hamden Site Plan Review Law and the Town of Hamden Subdivision Regulations, including but not limited to building and lot coverage, to accommodate renewable energy systems best management practices, the purpose of this section being to promote rather than restrict the use of such systems.

SAMPLE  
ONLY

**APPENDIX F**  
**Sample Site Plan**  
**Review Provisions**

## **Sample Site Plan Review Provisions (for review and discussion only)**

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**1.0 Applicability of Review Requirements within New York State Certified Agricultural Districts.** The Town of Hamden Planning Board is, in addition to the site plan review authority otherwise granted under this Law, also hereby authorized to review and approve, approve with conditions, or disapprove site plans for one and two-family dwellings and other residential projects within New York State Certified Agricultural Districts. This shall apply to all new residential land use activities, including erection of signs, which activities shall require site plan review and approval before being undertaken except for the following:

- 1.1 Construction of one- or two-family dwelling and ordinary accessory structures outside those lands included in a New York Certified Agricultural District.
- 1.2 Additions or accessory structures to existing residential properties.
- 1.3 Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law.
- 1.4 Ordinary repair or maintenance or interior alterations to existing structures or uses.
- 1.5 Exterior alterations or additions to structures that would not increase the square footage of the existing structure by either 10% of the existing square footage or five thousand (5,000) square feet.
- 1.6 The sale of agricultural produce and temporary structures related to sale of agricultural produce.
- 1.7 Garage, lawn and porch sales .
- 1.8 Interior alterations that do not substantially change the nature or use of an existing structure.

Any person uncertain of the applicability of this local law to a given land use activity may apply to the Code Enforcement Officer for such determination. Should an application disagree with the determination of the Code Enforcement Officer, they can apply for review by the Planning Board for a written jurisdictional determination.

### **2.0 Special Definitions.**

**“Agricultural Data Statement”** is a written identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a site plan review is being conducted, as provided in Section 305-a of the Agricultural and Markets Law of the State of New York. An “Agricultural Data Statement” shall included the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet

## Sample Site Plan Review Provisions (for review and discussion only)

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of the boundary of the property upon which the project is proposed; and a tax map or other maps showing the site of the proposed project relative to the location of farm operations identified in the Agricultural Data Statement.

**“Agriculturally-related Structure”** means any building or structure used exclusively for non-residential, agricultural purposes. This shall include, but is not limited to barns, silos, storage or machinery sheds, or irrigation or pump houses.

**“Family”** means a person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

**“Land Use Activity”** means any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. “Land use activity” shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits. This shall include, but is not limited to residential structures, commercial buildings, residential or commercial accessory structures, signs, parking lots, communication towers, mines, roads, and wind mills.

**“New York State Certified Agricultural District”** is a district created under Article 25-AA of the Agriculture and Markets Law with the intent to provide for the protection and enhancement of agricultural land as a viable segment of the local economy and environmental resource or major importance.

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

**“Structure”** means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

**“Structure, Accessory”** means any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

**“Two-family Dwelling”** means two complete, but separate, self-contained residential units each intended for permanent habitation by one-family only in a single structure having a common roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning or that according to the New York State building code unless the

## Sample Site Plan Review Provisions (for review and discussion only)

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context otherwise dictates.

**4.0 Application Requirements.** An application for site plan approval shall be made in writing to the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference is held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of the property plotted to scale;
4. Existing buildings and right-of-ways;
5. Natural features and slopes;
6. Location, design, exterior dimensions, proposed use and type of construction, for all buildings;
7. Driveway, loading area and parking locations and specifications;
8. The Planning Board may require a traffic study when average daily traffic is proposed to increase by more than 100 cars per day;
9. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, catch basins, head walls, end walls, hydrants, detention ponds, drainage swales, retaining walls and fences. This shall include an erosion and stormwater control plan to prevent the pollution of surface of ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable;
10. Description of the method of sewage disposal and location, design and construction materials of such facilities;
11. Description of the method of securing potable water and location, design and construction materials of such facilities;
12. Location of fire and other emergency zones, including the location of fire hydrants, if any;
13. Location, design and construction materials of all energy distribution facilities, including electrical, gas, wind and solar energy;

## Sample Site Plan Review Provisions (for review and discussion only)

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14. Location, size, height, materials, and design and type of construction of all proposed signs;
15. Location and proposed development of all buffer areas, including existing vegetative cover and buffers designed to protect stream corridors, if present;
16. Location, height, design, intensity and bulb type of outdoor lighting facilities;
17. Record of application for and status of all necessary permits from other governmental bodies;
18. Identification of any permits from other governmental bodies required for the project's execution;
19. While development in the floodplain should be avoided, if the proposed project is located within a floodplain, all site plans for development shall be in conformance with the provisions of the FEMA Flood Insurance Study, adopted as Town of Hamden Local Law Flood Damage Prevention.
20. An Agricultural Data Statement as defined in this local law;
21. A Full Environmental Assessment Form as required by SEQRA. A short Environmental Assessment Form will be sufficient for proposed single and two-family residences located in a New York State Certified Agricultural District.
22. Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.
23. Disclosure if Industrial Development Agency funding, tax exempt status or tax abatements are to be sought in conjunction with this project.

**5.0 Application Review Criteria.** All applications hereunder will be subject not only to the review criteria otherwise applicable under this Law, but also be reviewed for purposes of minimizing impacts on agricultural activities through careful siting of residences away from prime agricultural lands where practical, clustering where appropriate, setbacks and other measures designed to ensure farm uses will not be negatively impacted by residential development. The Planning Board may also modify any standard of this law for the purpose of accommodating and protecting agricultural uses and best management practices, provided such modification is the minimum that will provide relief.

# **APPENDIX G**

## **Planning Survey Summary**

## Town of Hamden Comprehensive Plan Planning Survey Summary

**If you own property in the Town of Hamden how long have you owned this property?**

Answer Options	Response Average	Response Total	Response Count
Number of years:	23.58	1,627	69
<i>answered question</i>			<b>69</b>
<i>skipped question</i>			<b>8</b>

**Please tell us your relationship to the Town of Hamden. Check all that apply.**

Answer Options	Response Percent	Response Count
I am a property owner in the Town	81.3%	61
I am a permanent resident of the Town	73.3%	55
I am a seasonal or part-time resident and have a permanent	13.3%	10
I am a renter of a home in the Town	6.7%	5
I am a business owner in the Town	18.7%	14
<i>answered question</i>		<b>75</b>
<i>skipped question</i>		<b>2</b>

**If you reside full-time in the Town of Hamden, how long have you lived here full-time?**

Answer Options	Response Average	Response Total	Response Count
Number of years:	28.08	1,797	64
<i>answered question</i>			<b>64</b>
<i>skipped question</i>			<b>13</b>

**If you have a business in the Town of Hamden, how long have you had this business in the Town?**

Answer Options	Response Average	Response Total	Response Count
Number of years:	15.20	228	15
<i>answered question</i>			<b>15</b>
<i>skipped question</i>			<b>62</b>

**If you have a second home or part-time residence in the Town of Hamden, how long have you had this seasonal or part-time residence in the Town?**

Answer Options	Response Average	Response Total	Response Count
Number of years:	8.33	100	12
<i>answered question</i>			<b>12</b>
<i>skipped question</i>			<b>65</b>

**If you rent a home in the Town of Hamden as a tenant, how long have you lived in the Town as a renter?**

Answer Options	Response Average	Response Total	Response Count
Number of years:	9.57	67	7
<i>answered question</i>			<b>7</b>
<i>skipped question</i>			<b>70</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

**If you own land in the Town, how large is your property, including all parcels combined?**

Answer Options	Response Average	Response Total	Response Count
Number of acres:	57.77	3,293	57
		<i>answered question</i>	<b>57</b>
		<i>skipped question</i>	<b>20</b>

**Where is the last place you lived prior to moving to the Town of Hamden?**

Answer Options	Response Percent	Response Count	
Elsewhere in Town of Hamden	8.8%	6	
Elsewhere in Delaware County	42.6%	29	
Elsewhere in Upstate NY	13.2%	9	
Always lived where I do now	1.5%	1	
New York City/Westchester/Rockland/Long Island	20.6%	14	
Pennsylvania/New Jersey/Connecticut	2.9%	2	
Elsewhere in U.S. or outside U.S.	10.3%	7	
Other (please specify)		3	
		<i>answered question</i>	<b>68</b>
		<i>skipped question</i>	<b>9</b>

**Why do you live and/or have property in Hamden?**

Answer Options	Response Percent	Response Count	
Investment purposes	6.0%	4	
Have a job/business here	31.3%	21	
Like the community	59.7%	40	
Inexpensive	16.4%	11	
Inherited the property	11.9%	8	
Friends and family are here	46.3%	31	
Other (please specify)		12	
		<i>answered question</i>	<b>67</b>
		<i>skipped question</i>	<b>10</b>

**If there are any children under age 18 years living at home with you please indicate the number by age category.**

Answer Options	Response Average	Response Total	Response Count
Pre-school age	1.00	7	7
Elementary school age	1.62	21	13
Middle school age	.60	3	5
High school age	1.17	7	6
		<i>answered question</i>	<b>19</b>
		<i>skipped question</i>	<b>58</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

### What are your future plans?

Answer Options	Response Percent	Response Count
Will probably move to Hamden full-time	8.1%	5
Will probably move away from Hamden	11.3%	7
Will probably sell my property	9.7%	6
Will probably buy more property	8.1%	5
Will probably start a business here or expand my existing	4.8%	3
Will probably invest in the improvement of my property	35.5%	22
Not sure what I'll do	53.2%	33
Other (please specify)		16
<b>answered question</b>		<b>62</b>
<b>skipped question</b>		<b>15</b>

### Which of the following best describes your current employment status?

Answer Options	Response Percent	Response Count
Employed by others full-time	40.0%	30
Employed by others part-time	6.7%	5
Self-employed full-time	16.0%	12
Self-employed part-time	6.7%	5
Retired	36.0%	27
Student	0.0%	0
Unable to work	8.0%	6
Unemployed, seeking work	0.0%	0
<b>answered question</b>		<b>75</b>
<b>skipped question</b>		<b>2</b>

### What do you like MOST about the Town of Hamden? Please check all that apply.

Answer Options	Response Percent	Response Count
Cost of services/taxes	27.0%	20
Quality of services	17.6%	13
Transportation difficulties	1.4%	1
School and health care facilities	16.2%	12
Costs of acquiring, owning or renting home	21.6%	16
Availability of cultural/recreation options	16.2%	12
New York City watershed area	10.8%	8
Lack of commercial or economic development	25.7%	19
Working farms and agriculture industry	54.1%	40
Other (please specify)	27.0%	20
<b>answered question</b>		<b>74</b>
<b>skipped question</b>		<b>3</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

**What do you like LEAST about the Town of Hamden? Please check all that apply.**

<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Cost of services/taxes	40.8%	29
Quality of services	5.6%	4
Transportation difficulties	22.5%	16
School and health care facilities	5.6%	4
Costs of acquiring, owning or renting home	18.3%	13
Availability of cultural/recreation options	11.3%	8
New York City watershed area	67.6%	48
Lack of commercial or economic development	21.1%	15
Working farms and agriculture industry	0.0%	0
Other (please specify)	21.1%	15
<b>answered question</b>		<b>71</b>
<b>skipped question</b>		<b>6</b>

**How would you describe your present occupation? Check the best description.**

<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Executive/administrative/managerial	15.6%	10
Professional occupation	14.1%	9
Technician or support occupation	0.0%	0
Sales occupation	6.3%	4
Administration support occupation	3.1%	2
Private household occupation	0.0%	0
Retired	37.5%	24
Service occupation	6.3%	4
Farming, forestry or mining	9.4%	6
Precision production, craft or repair	0.0%	0
Machine operator/assembler/inspector	1.6%	1
Transportation or material moving	0.0%	0
Handler, cleaner, helper or laborer	1.6%	1
Homemaker	4.7%	3
Other (please specify)		15
<b>answered question</b>		<b>64</b>
<b>skipped question</b>		<b>13</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

How important is it for the Town to review each of the following aspects of developments?

Answer Options	Slightly important	Moderately important	Very important	N/A	Rating Average	Response Count
Historic character	13	26	29	4	2.24	72
Business signs	29	24	5	12	1.59	70
Site design and layout	14	25	27	8	2.20	74
Landscaping	25	21	18	8	1.89	72
Preserving large trees at new commercial sites	19	20	26	8	2.11	73
Scenic impact	13	19	35	7	2.33	74
Impact on streams	16	15	35	6	2.29	72
Protection of farmland	3	14	54	4	2.72	75
Density of development	20	17	27	7	2.11	71
Hillside development	20	17	26	9	2.10	72
Proximity of commercial development to residences	19	18	30	7	2.16	74
Other very important items (please specify)						14
<i>answered question</i>						<b>76</b>
<i>skipped question</i>						<b>1</b>

Do you have a home-based business?

Answer Options	Response Percent	Response Count
Yes	18.4%	14
No	81.6%	62
What type of business is it?		14
<i>answered question</i>		<b>76</b>
<i>skipped question</i>		<b>1</b>

If you do not have a home-based business, would you like to have one?

Answer Options	Response Percent	Response Count
Yes	25.0%	19
No	75.0%	57
What type of business would it be?		17
<i>answered question</i>		<b>76</b>
<i>skipped question</i>		<b>1</b>

What barriers do you see to starting or operating home-based businesses in the Town?

Answer Options	Response Percent	Response Count
Limited demand for product or service	49.2%	29
Tax burdens	50.8%	30
Regulatory burdens	42.4%	25
Technological infrastructure (e.g., high-speed internet service)	42.4%	25
Other (please specify)	10.2%	6
<i>answered question</i>		<b>59</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

### What barriers do you see to doing business in the Town that could be addressed to get you to invest here?

Answer Options	Response Percent	Response Count
Reduction of tax burdens with incentives	49.1%	28
Reduction of regulatory burdens by streamlining of codes	43.9%	25
Assistance with development of technological infrastructure (e.g., high-speed internet)	40.4%	23
Upgrading of other infrastructure (roads, sewer systems, water, etc.)	15.8%	9
Marketing of Town and region to create more demand for products and services	49.1%	28
Other (please specify)	24.6%	14
<b>answered question</b>		<b>57</b>
<b>skipped question</b>		<b>20</b>

### What measures do you favor to increase the supply of affordable housing in the Town?

Answer Options	Response Percent	Response Count
Improving incomes through economic development	76.8%	53
Housing rehabilitation financial help using grants from HUD,	46.4%	32
Reduce regulatory burdens to creating new housing	29.0%	20
Allow for cluster development to reduce infrastructure costs.	20.3%	14
Other (please specify)	8.7%	6
<b>answered question</b>		<b>69</b>
<b>skipped question</b>		<b>8</b>

### To what extent would you generally favor spending your tax money ADDING, EXPANDING or IMPROVING each of the following public services and facilities?

Answer Options	Slightly support	Moderately support	Strongly support	Do not support	N/A	Rating Average	Response Count
Sewage maintenance district	17	14	14	17	11	1.40	73
Town roads	8	24	39	2	2	2.37	75
Volunteer fire protection	7	23	41	1	2	2.44	74
Volunteer ambulance service	7	21	41	1	2	2.46	72
Beautification efforts Townwide	20	20	23	7	4	1.84	74
Clean-up days	19	23	29	2	1	2.08	74
Baseball/softball fields	25	13	5	26	5	0.96	74
Basketball courts	21	10	4	28	6	0.84	69
Walking trail systems	23	13	20	11	6	1.63	73
Picnic facilities	26	16	9	14	4	1.31	69
More playground facilities	23	14	9	21	6	1.16	73
Other youth-based recreation	24	20	13	12	5	1.49	74
Bicycle paths	22	15	18	16	4	1.49	75
Public transportation	15	20	20	15	4	1.64	74
Affordable housing	13	28	19	12	1	1.75	73
River access	18	19	17	13	7	1.60	74
Farmland protection	8	13	51	2	1	2.53	75
<b>answered question</b>							<b>75</b>
<b>skipped question</b>							<b>2</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

### How would you rate the quality of the following public and semi-public services?

Answer Options	Poor quality	Good quality	Excellent quality	N/A	Rating Average	Response Count
State/County Police protection	12	46	11	6	1.99	75
Fire protection	2	54	13	5	2.16	74
Ambulance services	3	44	16	10	2.21	73
Public schools	6	41	13	14	2.12	74
Secondary schools	5	33	8	26	2.07	72
Health care services	7	46	11	9	2.06	73
Electric service	0	48	26	1	2.35	75
Cellular phone service	57	10	1	6	1.18	74
Telephone service	14	44	15	2	2.01	75
Cable television	44	14	1	15	1.27	74
High-speed internet	29	28	6	11	1.63	74
State road maintenance	10	50	13	2	2.04	75
County road maintenance	7	52	14	1	2.10	74
Town road maintenance	8	47	17	2	2.13	74
Overall Town code enforcement	12	43	7	13	1.92	75
<i>answered question</i>						<b>75</b>
<i>skipped question</i>						<b>2</b>

### Should the Town establish or improve local controls with respect to the following:

Answer Options	Yes	No	N/A	Rating Average	Response Count
Regulating the construction of cellular communications	48	20	5	1.29	73
Protecting the right to farm using sound management	66	5	3	1.07	74
Protecting the right to quarry using sound industry	60	11	3	1.15	74
Protecting the right to timber using sound industry	53	18	3	1.25	74
Regulating junk vehicle storage?	57	14	3	1.20	74
Regulating mobile home parks?	49	18	7	1.27	74
Dealing with natural gas exploration/extraction related issues	46	23	4	1.33	73
Dealing with large-scale bio-mass energy generation plants?	45	14	13	1.24	72
Controlling dogs?	43	25	6	1.37	74
Regulating individual mobile homes?	37	29	8	1.44	74
Regulating wind energy generation?	43	27	3	1.39	73
Regulating sign construction and placement?	46	22	6	1.32	74
Regulating land subdivision?	58	12	4	1.17	74
Reviewing site plans?	60	6	6	1.09	72
Reviewing development plans that could negatively impact	66	5	3	1.07	74
Other very important items (please specify)					13
<i>answered question</i>					<b>74</b>
<i>skipped question</i>					<b>3</b>

### If you are a farmer (someone who generates \$10,000/year income from agriculture) or someone with an interest in such an enterprise, please rate the following for importance to farming in the Town.

Answer Options	Slightly important	Moderately important	Very important	Not important	N/A	Rating Average	Response Count
Providing for farm labor housing	2	7	8	2	12	2.53	31
Limit increases in property taxes	1	2	19	0	10	2.82	32
Help with environmental compliance (CAFO & NYC)	4	3	12	0	13	2.42	32
Right to farm laws	0	4	16	1	11	2.86	32
Agriculture district development	3	5	11	1	11	2.50	31
Purchase of development rights programs	5	5	7	3	12	2.40	32
Direct marketing of products to consumers	5	8	8	0	11	2.14	32
Development of new products and markets	7	7	7	0	11	2.00	32
Consumer "buy local" education	5	9	7	0	11	2.10	32
Youth agricultural education	8	2	11	1	10	2.23	32
Farm neighbor education	9	5	6	1	10	1.95	31
Estate planning education	12	2	5	2	11	1.86	32
Utility cost reductions	0	9	12	1	10	2.64	32
Financing availability	2	7	13	0	10	2.50	32
Agricultural land cost (affordability of farmland)	0	1	20	1	10	3.00	32
Access to support businesses	7	6	7	0	11	2.00	31
Availability of skilled labor	8	5	8	1	10	2.09	32
Other very important items (please specify)							2
<i>answered question</i>							<b>32</b>
<i>skipped question</i>							<b>45</b>

## Town of Hamden Comprehensive Plan Planning Survey Summary

**If you are a farmer and would like to be contacted to give further input on agricultural issues, please provide your contact information.**

Answer Options	Response Percent	Response Count
Name:	100.0%	5
Address:	100.0%	5
City/Town:	100.0%	5
ZIP/Postal Code:	100.0%	5
Email Address:	80.0%	4
Phone Number:	100.0%	5
<b>answered question</b>		<b>5</b>
<b>skipped question</b>		<b>72</b>

**Please rate the importance of the following with respect to New York City watershed issues.**

Answer Options	Slightly important	Moderately important	Very important	Not important	N/A	Rating Average	Response Count
Limiting City land acquisition	3	6	60	4	1	2.89	74
Regulating City purchase of easements	7	3	59	3	2	2.81	74
Opening up City land for public uses such as boating, fishing, hunting, etc.	9	12	50	2	1	2.62	74
Ensuring equitable payments in lieu of taxes by City	1	3	65	1	3	2.94	73
Other very important items (please specify)							15
<b>answered question</b>							<b>74</b>
<b>skipped question</b>							<b>3</b>