



617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Elizabeth Allen			
Name of Action or Project: Allen Minor Subdivision			
Project Location (describe, and attach a location map): 10825 Keller Road			
Brief Description of Proposed Action: Minor subdivision to split an existing large lot into two separate lots, each conforming to the Agriculture Rural Residential Zoning requirements.			
Name of Applicant or Sponsor: Bill Kushman/Frank Zivis		Telephone: 632-0008	
		E-Mail:	
Address: 5953 Killarney Manor			
City/PO: Clarence		State: NY	Zip Code: 14031
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		19.81+/- acres	
b. Total acreage to be physically disturbed?		n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		19.81+/- acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

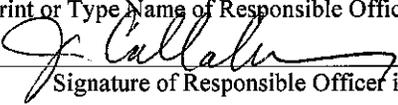
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Bill Kushman/Frank Zivis</u>		Date: <u>May 2015</u>
Signature: <u>Bill Kushman</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Clarence Planning Board	May 2015
_____ Name of Lead Agency	_____ Date
James Callahan	Director of Community Development
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT



Pictometry Map Auto
1 / 14
N
W E
S

Belle Way

6530 BELLE WAY

6525 BELLE WAY

8440 STAHLEY RD

.73 acres

.77 acres

8500 STAHLEY RD

8510 STAHLEY RD

8490 STAHLEY RD

Stahley Rd

145.64'

125'

Stahley Rd

8445 STAHLEY RD

8495 STAHLEY RD

8515 STAHLEY RD

617.20
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Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: MINOR LOT SPLIT							
Project Location (describe, and attach a location map): 43.07-2-4.12 STANLEY RD E. AYNERS¹⁴⁰⁵¹							
Brief Description of Proposed Action: SPLIT PARCEL INTO TWO LOTS							
Name of Applicant or Sponsor: J. PAUL SHEAR		Telephone: 716-741-2319					
		E-Mail: JPS1245@AOL.COM					
Address: 9530 MAPLE ST PO Box 59							
City/PO: CLARENCE CENTER		State: NY	Zip Code: 14032				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		7.20 acres					
b. Total acreage to be physically disturbed?		2 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.20 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>J. PAUL SHEAR</u> Date: <u>5/7/25</u>		
Signature: <u>J Paul Shear</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

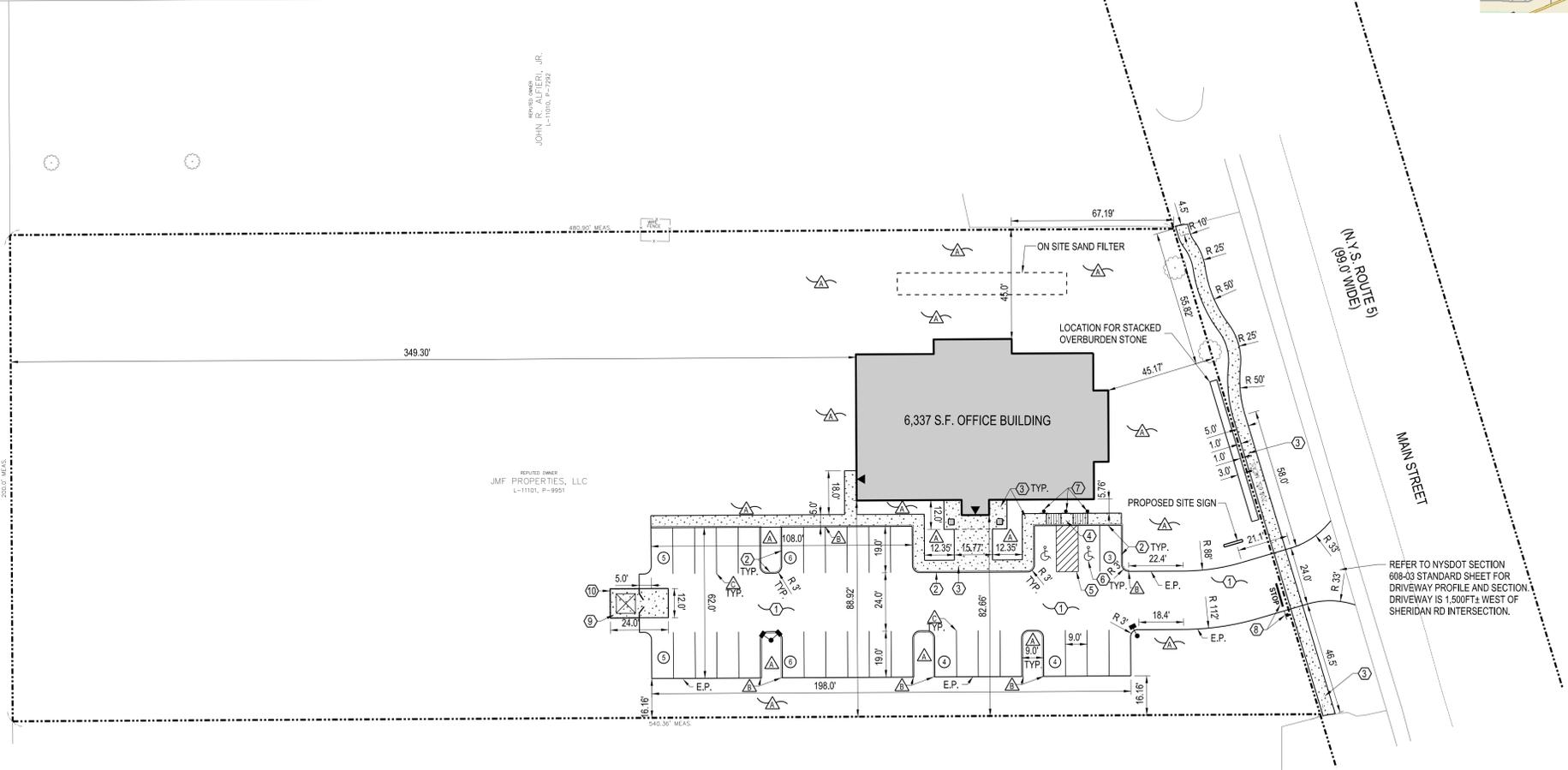
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT



SITE LOCATION SKETCH
N.T.S.

NEW YORK STATE DEPARTMENT OF AUDIT & CONTROL



REVISED BY:
JOHN R. ALTELL, JR.
L-11016, P-7292

REVISED BY:
JMF PROPERTIES, LLC
L-11101, P-9951

REFER TO NYSDOT SECTION 608-03 STANDARD SHEET FOR DRIVEWAY PROFILE AND SECTION DRIVEWAY IS 1.500FT± WEST OF SHERIDAN RD INTERSECTION.

- GENERAL NOTES**
1. SURVEY INFORMATION WAS PROVIDED BY McINTOSH & McINTOSH, P.C. DATED 03-12-15. C&S ENGINEERS, INC. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.
 2. CONTRACTOR TO VERIFY ALL FIELD CONDITIONS AND UTILITY LOCATIONS PRIOR TO THE START OF CONSTRUCTION. CONTACT THE ENGINEER WITH ANY DISCREPANCIES FOUND IN THE FIELD.
 3. ALL DIMENSIONS FROM PROPERTY LINES ARE 90° FROM PROPERTY LINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED.
 5. COORDINATE EXACT LOCATION OF SIDEWALKS AT DOORWAYS WITH ARCHITECTURAL PLANS.
 6. ALL WORK TO BE COMPLETED TO TOWN OF CLARENCE STANDARDS AND THOSE OF THE RESPECTIVE UTILITY COMPANIES. CONTRACTOR TO OBTAIN RIGHT-OF-WAY CONSTRUCTION PERMITS FROM THE NYSDOT.

SITE DATA:
ACREAGE: 2.34±

ZONING: COMMERCIAL

PARKING REQUIRED: 6337 / 200 = 32 SPACES
PARKING PROVIDED: 33 SPACES

INTERIOR GREENSPACE REQUIRED: 8%
INTERIOR GREEN SPACE PROVIDED: 10.2%

SETBACK:	REQUIRED	PROVIDED (PH 1)
FRONT	45'	45.17'
EAST SIDE	45'	45.00'
WEST SIDE	25'	82.66'
REAR	25'	349.30'

- PROPOSED LEGEND**
- PROPERTY LINE
 - ▲ PROPOSED SIGN
 - ▬ PROPOSED CONCRETE PAVEMENT / SIDEWALK
 - ▬ PROPOSED CONCRETE CURB
 - NUMBER OF PARKING SPACES
 - ◀ DOOR LOCATION
 - ▲ E.P. EDGE OF PAVEMENT
 - LIGHTING FIXTURES
 - ★ WALL LIGHT FIXTURE

- NOTE LEGEND**
- ▲ 4" TOPSOIL & SEED IF NO PLANTINGS-SEE LANDSCAPING PLAN.
 - ▲ MATCH EXISTING CURB OR RUN OUT IN 4'-0"
 - ▲ 4" WIDE PAINTED WHITE PAVEMENT STRIPES

- DETAIL LEGEND**
- ① STANDARD DUTY ASPHALT
 - ② CONCRETE CURB
 - ③ CONCRETE SIDEWALK
 - ④ ACCESSIBLE CURB RAMP
 - ⑤ ACCESSIBLE PAVEMENT MARKINGS
 - ⑥ INTERNATIONAL ACCESSIBLE SYMBOL
 - ⑦ ACCESSIBLE OR "NO PARKING" SIGN
 - ⑧ STOP BAR/STOP SIGN
 - ⑨ CONCRETE SLAB-ON-GRADE
 - ⑩ DUMPSTER ENCLOSURE

C&S COMPANIES
C&S Engineers, Inc.
141 Elm St. Suite 100
Buffalo, New York 14203
Phone: 716-847-1630
Fax: 716-847-1454
www.cscos.com

EMERLING INSURANCE
9092 MAIN STREET
CLARENCE, NY
ERIE COUNTY

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO: H73.009.001		
DATE: 4-30-2015		
SCALE: 1"=30'		
DRAWN BY: S. SCHIENER		
DESIGNED BY: M SUTTON		
CHECKED BY: L DEWEY		
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

CIVIL
SITE PLAN

C-101

DRAFT Proposal 5-20-15

Yellow = proposed addition

Red = proposed deletion

Town of Clarence, NY

Chapter 229. ZONING

Article XV. Special Exception Use Permits

§ 229-126. Multiple-family residential developments.

Multiple-family residential developments will only be allowed in the Commercial, Restricted Business and Traditional Neighborhood Districts as described herein.

A.

The purpose of the multiple-family residential housing special exception use permit is to guide future development of multiple-family housing developments within the Town of Clarence. Higher-density housing in the form of multiple-family housing shall not be considered an "as of right" use within any zoning classification.

B.

The Town Board shall determine the placement of such multiple-family residential housing based upon its design features, its impact upon the community character and its fiscal impact upon the Town.

C.

The intent of this section is to provide design standards to ensure that multiple-family residential developments are properly integrated into the character of the Town by providing for:

(1)

Preservation of valuable commercial property within the Town for development of commercial uses.

(2)

Preservation of open space.

(3)

Higher-density residential development that is in harmony with the rural and suburban character and scenic qualities of the Town of Clarence.

(4)

Facilitation of interconnectivity between commercial uses and between multiple-family and other residential uses, where appropriate.

(5)

Facilitation of adequate extensions of streets, walkways and utilities.

D.

Multiple-family residential uses in Commercial and Restricted Business Zones.

(1)

In order to preserve the long-term viability of the Commercial and Restricted Business zoning classifications for commercial uses and to provide a balance to the developing residential growth in the community and to avoid the concentration of multiple-family residential units in a particular area of the Town, the maximum number of multiple-family residential units that can be approved on any parent parcel or that can be approved in a single project design approval shall be restricted as follows:

(a)

Multiple-family housing will only be allowed on properties within sewer districts as approved by the Town Board.

(b)

Multiple-family housing will only be allowed on properties that contain a minimum of five acres.

(c)

The maximum density for multiple-family uses shall be eight units per acre. The density calculation and total number of units is to be determined by that portion of project site being utilized for multiple-family residential development.

(d)

A minimum of 25% of the property shall be committed to commercial uses that are allowed within the Commercial and Restricted Business Zones, and inner connectivity with other residential and commercial uses where possible is encouraged.

(e)

Multiple-family housing shall be limited to a maximum of two stories for any building within such a project.

(f)

Multiple-family housing shall have a setback from the affronting roadway to preserve the open character of the Town. The required front yard setback area shall be enhanced with landscaping to ensure an adequate visual buffer.

(g)

Scale and design must be compatible with community features and all other standards, as identified for Commercial or Restricted Business Districts in §§ [229-83](#) through [229-90.2](#) and §§ [229-75](#) through [229-82.2](#) of this chapter.

(2)

Multiple-family developments in a Commercial or Restricted Business Zoning District will require 30% of the project site to be preserved as permanent green space.

(3)

Part or all of the required commercial component can be reserved as green space for later commercial development; this reserved green space for commercial use is in addition to the required overall project site green/open space as per lot coverage calculations.

(4)

Upon recommendation of the Planning Board, the Town Board will designate the area of the property that is to be reserved as green space at the time of concept plan approval.

E.

Multiple-family residential uses in Traditional Neighborhood District (TND).

(1)

The maximum number of units within a multiple-family residential project within the TND shall be limited to 16 units.

(2)

The maximum density of multiple-family residential units within a project shall be limited to eight units per acre.

(3)

Projects that involve only the development of multiple-family residential units, with no mixed-use component, shall require a two-acre minimum lot size.

(4)

Mixed-use projects on smaller lots will be allowed with a maximum residential density of eight units per acre and with a minimum 25% commercial component.

(5)

Scale and design standards must be compatible with community features and all other standards, as identified within the TND Zoning District (§§ [229-57](#) through [229-68](#) of this chapter).

F.

Exceptions.

(1)

Under special circumstances, the Town Board, upon recommendation of the Planning Board, may allow multiple-family uses on unsewered lots of less than five acres within the Commercial and Restricted Business Zones. These **special** circumstances **would** include:

(a)

The maximum lot coverage of a multiple-family project shall be 70% of the parcel.

(b)

A minimum of 50% commercial use of the developable land shall be required (35% of the total lot).

(c)

The maximum on-site waste treatment allowance determination shall be consistent with regulatory agency and Town Engineer approvals, including residential and projected commercial waste. The maximum number of units that can be developed on an unsewered lot in the Commercial Zone shall be four units per acre in a mixed-use format with a maximum total number of multiple-family residential units capped at 16 units.

(2)

Under special circumstances, the Town Board, upon recommendation of the Planning Board, may allow small-scale retail uses within Restricted Business Zone in conjunction with multiple family residential housing developments in a mixed use building configuration.

These special circumstances would include:

- a. Each small-scale business should complement and service the residential component of the mixed use project, and contribute to the character of the Restricted Business zone.
- b. For proposals that do not have predetermined small-scale retail tenants or defined uses at the time of submission, the overall area designated to small-scale retail will be considered for approval subject to future Use Permits as approved on a case by case basis by the Planning Board at the time where a tenant or defined use has been proposed.
- c. Furthermore in an effort to maintain small-scale retail units that uphold the intent of the Restricted Business Zone (see §229-75), additional retail restrictions would include but not be limited to:
 - (1) Limited vehicular traffic generation consistent with Restricted Business Zone.
 - (2) Architectural and design standards consistent with Restricted Business Zone.
 - (3) No automotive sales and service.
 - (4) No drive-thru facilities.
 - (5) No outside display.
- d. An applicant shall have the right to petition the Zoning Board of Appeals of the Town of Clarence in the event of a denial of the small-scale retail use permit by the Planning Board. The Zoning Board of Appeals of the Town of Clarence, after public notice and a hearing, may approve, deny, or vary/modify the application of this section in harmony with its general purpose and intent.

G.

General design standards.

(1)

All on-site traffic access roads shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrances or exits shall not be closer than 100 feet to any existing road intersection (70 feet within a TND).

(2)

Each phase of any multiple-family residential development must meet the density requirements as herein established.

(3)

Multiple-family residential projects that adjoin a street shall have significant screening running the length of the right-of-way, parallel to the street, except for driveways.

(4)

All multiple-family residential projects shall have an area or areas devoted to the recreational use of the residents. Such recreational component can be composed of open space and shall have a total area equal to at least 15% of the gross land area of the lot. This area shall be fully maintained by the owner of the property. Part or all of such space shall be in the form of developed recreation areas to be usable for recreational purposes. The 15% dedicated for such use may be counted as a part of the total green space requirement for such projects.

(5)

No principal building shall contain less than 1,000 square feet of usable floor space. Buildings used in whole or part for residential purposes, exclusive of accessory buildings and exclusive of porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story building used as a one-family dwelling, nor less than 600 square feet of usable first floor living space if more than one story, and no such building shall contain less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.

(6)

Any multiple-family housing development that includes five or more units and that is situated, in whole or in part, within the Adequate Educational Facilities Overlay District, shall comply with the terms of Article XIVA of the Town Zoning Law.^[1]

[1]:

Editor's Note: See §§ [229-114.1](#) through [229-114.8](#).

Chapter 229. ZONING

Article XVII. Definitions

§ 229-168. Definitions.

Small-scale retail

Neighborhood scale businesses that maintain a reduced amount of square footage and produce a minimal amount of vehicular traffic. These are often clustered with similar small-scale retail establishments in association with mixed use developments and typically do not exceed 2,500 square feet and do not require more than 15 parking spaces.

DRAFT Proposal 5-20-15

Yellow = proposed addition

Red = proposed deletion

Town of Clarence, NY

CHAPTER 173. SATELLITE ANTENNAS ~~AND~~, TELECOMMUNICATION TOWERS AND WIND ENERGY CONVERSION SYSTEMS

§ 173-1. Intent.

The intent of this chapter is to promote and protect the public health, safety and welfare of the citizens of the Town of Clarence by regulating the installation of antennas, parabolic dishes, wind energy conversion systems, personal communication services towers, cellular telephone facilities and other wireless telecommunication facilities.

§ 173-2. Title.

This chapter shall hereafter be known as the "Satellite Antennas, **Telecommunication** Towers and Wind Energy Conversion Systems."

§ 173-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE

An accessory facility or structure serving or being used in conjunction with a communication tower, **wind energy conversion system** and/or similar facility and located on the same lot as the communication tower **or wind energy conversion system**. Examples of such structures include but are not limited to utility or transmission equipment storage sheds or cabinets.

AMATEUR COMMUNICATIONS

The use of radio and television antennas/antenna systems for home, recreational, hobby or noncommercial use by a person holding a valid license issued by the Federal Communications Commission, where applicable.

LOT

A parcel of land used or occupied or capable of being used or occupied by a building, structure or use and the accessory buildings, structures or uses customarily incidental to it, including such yards as are required by Chapter 229, Zoning.

TELECOMMUNICATION FACILITY

Any commercial equipment used in connection with the provision of wireless communication services, including but not limited to cellular telephone services and personal communication services, which are regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996, as it may

hereinafter be amended. A telecommunication facility shall include antenna(s), accessory telecommunications structures and supporting masts, support towers or monopoles.

TOWER/ANTENNA

Includes any communications tower, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of any device for the transmission and/or reception of communications signals, including but not limited to broadcast, shortwave, citizens band, AM FM, television, microwave, cellular, digital, PCS ~~or any wind driven devices (i.e., windmills, turbines, etc.) whether or not used for energy conversion or creation.~~

WIND ENERGY CONVERSION SYSTEM (WECS)

A machine that converts the kinetic energy of the wind into a usable form (commonly known as a "wind turbine" or "windmill"). The WECS includes all parts of the system including the tower, blades and rotor assemblies, gearbox, generator and the transmission equipment; the turbine or windmill may be on a horizontal or vertical axis.

OVERSPEED CONTROL

A mechanism used to limit the speed of blade rotation to below the design limits of the WECS. Also called a limiter or governor.

AGRICULTURAL OR FARM OPERATION

In compliance with Agriculture and Markets Law (AML) § 305-a, Subdivision 11, as well as eligible for an agricultural property tax assessment or exemption.

§ 173-4. Dimensional restrictions.

The provisions of this section shall apply to all structures in all zoning districts as established by Chapter 229, Zoning.

A.

Size of freestanding antenna dishes. No satellite or parabolic dish-type antenna erected or maintained within the Town of Clarence shall exceed 12 feet in any dimension.

B.

Size of roof-mounted or attached antenna dishes. No satellite or parabolic dish-type roof-mounted or attached antenna erected or maintained within the Town of Clarence shall exceed three feet in any dimension.

C.

Height of telecommunication towers; noncommercial/~~wind driven devices~~. Amateur communication towers ~~and energy conversion/creation towers~~ shall not exceed 60 feet in height as measured from the average ground surface surrounding the site of the tower. Measurements of height shall include any extensions above the tower and supporting bases below the tower.

D.

Height of telecommunication towers; commercial. Commercial cellular, PCS and other communication towers shall not exceed 150 feet in height as measured from the average ground surface immediately surrounding the site of the tower in the Industrial and Research-Development Zoning Districts as defined in Chapter 229, Zoning, or on any municipal or government-owned property. Such towers shall not exceed 100 feet in height in all other (nonindustrial/non-research-development) zones as defined in Chapter 229, Zoning. Measurements of height shall include any extensions or other devices above the tower.

E.

See section 173-8 for dimensional restrictions pertaining to WECS.

§ 173-5. Location restrictions and general requirements.

A.

Dish-type, parabolic, satellite antennas, amateur communication antennas.

(1)

No more than one antenna shall be located on any dwelling unit.

(2)

No freestanding antenna shall be constructed, erected or maintained except as an accessory structure to an existing one-family dwelling on the same lot.

(3)

When roof-mounted, a dish-type antenna shall be located on that portion of the roof sloping away from the front of the lot.

(4)

All freestanding antennas shall be located in the rear yard at least 10 feet from the side and rear lot line. When measuring side and rear setbacks, all cables, guy wires or other supports shall constitute a part of the antenna.

(5)

When not roof-mounted, a dish-type antenna shall be screened from adjoining lots.

B.

Towers, noncommercial/~~wind-driven devices.~~

(1)

No more than one tower shall be located on any lot.

(2)

All towers shall be located in the rear yard at ground level.

(3)

No tower shall be constructed, erected or maintained except as an accessory structure to an existing one-family dwelling on the same lot.

(4)

No tower shall be located on any lot unless so as to have a rear and side lot setback equal to the height of the tower. Measurements of side and rear lot line setback shall be taken at the base of the tower structure at ground level.

~~(5)~~

~~Towers which will be used for energy conversion shall be located on the lot so as to produce a level of noise at any lot line no greater than the ambient nighttime level.~~

C.

Telecommunication towers; commercial.

(1)

The Town of Clarence recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often these facilities require the construction of a telecommunication tower and/or similar facilities. The intent of this section of the Satellite Antenna and Tower Law is to regulate telecommunication towers/antennas in accordance with the guidelines of the Telecommunications Act of 1996 or as amended by:

(a)

Accommodating the need for telecommunication towers/antennas while regulating their location and number in the community.

[\(b\)](#)

Minimizing adverse visual impacts of these towers/antennas through proper design, siting and screening.

[\(c\)](#)

Preserving and enhancing the positive aesthetic qualities of the built and natural environment in the Town of Clarence.

[\(d\)](#)

Avoiding potential damage to adjacent properties from tower failure, falling ice, etc., through engineering and proper siting.

[\(e\)](#)

Requiring the joint use of towers when available and encouraging the placement of antennas on existing structures to reduce the number of such structures in the future.

[\(2\)](#)

Zoning/permitting requirements.

[\(a\)](#)

Colocated/existing structure antennas. An antenna that is to be attached to an existing communication tower, smokestack, water tower or other tall structure is permitted. The colocated antenna is permitted as of right upon issuance of a building permit. The building permit application will include a structural analysis/report verifying the ability of the structure to handle the colocated antenna.

[\(b\)](#)

Non-colocated/new tower antennas. An antenna that will not be mounted on an existing structure as defined above and requires the construction of a tower is permitted as follows:

[\[1\]](#)

Municipal/government owned property, research-development and industrially zoned property: site plan review approval by the Town Planning Board and permit approval by the Town Board per permit process for permitted uses.

[\[2\]](#)

Commercial, major arterial, neighborhood business and restricted business zoned property: site plan review approval by the Town Planning Board and special exception use permit approval by the Town Board per § 30-71 of Chapter 30 of the Code of the Town of Clarence.[\[1\]](#)

[\[1\]](#):

Editor's Note: See now Ch. [229](#), Zoning.

[\[3\]](#)

Residential- and agriculture-zoned properties: site plan review approval by the Town Planning Board and special exception use permit approval by the Town Board per § 30-71 of Chapter 30 of the Code of the Town of Clarence.[\[2\]](#) Such applications shall be classified as a Type I action under the State Environmental Quality Review Act (SEQRA).

[\[2\]](#):

Editor's Note: See now Ch. [229](#), Zoning.

[\(3\)](#)

All telecommunication towers in all zoning districts, including towers on municipal/government-owned lands, must provide and/or meet the following requirements:

[\(a\)](#)

Setbacks equal to the height of the tower to all lot lines.

(b)

An agreement by the applicant, in writing, to remove the telecommunication facility if such facility becomes technically obsolete or ceases to be used for its originally intended purpose. A demolition bond for the purposes of removing the telecommunication facility shall remain in force for the life of the tower in an amount approved by the Town Board but not less than \$20,000.

(c)

Traffic, access and safety features:

[1]

A road turnaround and one parking space to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower's accessory structures is prohibited.

[2]

All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.

(d)

Screening, as approved by the Town Landscape Review Committee.

(e)

An inspection every two years by a licensed professional engineer and a copy of the inspection report shall be submitted to the Town Engineer. Any work or repair of the tower shall comply with all applicable code requirements, and a permit shall be obtained to conduct such work.

(f)

No lighting unless otherwise required by the Federal Aviation Administration or federal, state or local authority.

(g)

No signs or advertising devices.

(h)

Free access shall be coordinated and provided on the proposed tower for local school, government, emergency and amateur communication antennas.

(D)

See section 173-8 for location restrictions and general requirements and dimensional restrictions pertaining to WECS.

§ 173-6. Permit application.

A.

All applicants for permits to construct and place satellite or communication antennas, dishes and/or telecommunication towers within the Town of Clarence shall make written application therefor to the Town on forms available in the Planning and Zoning Office of the Town.

B.

Applications for telecommunication towers shall contain specific site data placed on a map, acceptable in form and content to the Town, which shall be prepared to scale and sufficient detail and accuracy so as to accurately depict the placement of all component parts of the antenna or tower, including guy wires or enclosures, in relation to:

(1)

The location of property lines and permanent easements.

(2)

The location of all structures on the site and all structures on any adjacent property within 10 feet of the property lines.

(3)

The location of all utility poles, above and below ground utility lines, trees or other natural or artificial structures.

(4)

The location, nature and extent of any proposed fencing, buffering, plantings or other screening measures, if any proposed.

(5)

The names of adjacent landowners.

(6)

All information prepared by the manufacturer of the antenna or telecommunication tower, including but not limited to the following:

(a)

The make and model.

(b)

The manufacturer's suggested installation instructions.

(c)

The manufacturer's suggested maintenance and/or inspection procedures.

(d)

The color or colors of the tower.

(e)

The type of tower (monopole, guyed, freestanding or other).

(f)

See section 173-8 for permit application relating to WECS.

§ 173-7. Special exception use requirements.

A.

No special exception use permit or renewal thereof or modification of the provisions of this chapter relating to a cellular or PCS tower shall be authorized by the Town Board unless, in addition to the other requirements specified in this chapter and Chapter 229, Zoning, it finds that such cellular or PCS tower:

(1)

Is necessary to meet current or expected demands for wireless communication service.

(2)

Conforms with all applicable regulations promulgated by the Federal Communications Commission.

(3)

Is located so as to minimize its visibility from surrounding public streets and adjacent properties.

(4)

Is designed and constructed in a manner which minimizes its visual impact.

(5)

Is the most appropriate site within the immediate area for the location of the cellular or PCS tower. The applicant shall submit a study as part of the special exception use permit application comparing all potential host sites within an approximate one-half-mile radius of the subject site. This study should include a description of the surrounding sites and a discussion of the ability or inability to host a cellular or PCS tower facility. Reasons for excluding a site from consideration may include but are not limited to:

(a)

Unwillingness of the owner to entertain a cellular or PCS tower facility proposal.

(b)

Topographic limitations of the site.

(c)

Adjacent impediments that would obstruct adequate cellular or PCS transmissions.

(d)

Physical site constraints that would preclude the construction of a cellular or PCS facility.

(e)

Technical limitations of the cellular or PCS systems.

B.

All special exception use permits and renewals shall include "before" and "after" propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage contrasted with the proposed signal coverage resulting from the proposed telecommunication facility.

C.

All special exception use permits and renewals shall include a search ring prepared by a qualified radio frequency engineer and overlaid on an appropriate background map demonstrating the area within which the telecommunication facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for colocated antenna(s) and to what extent the applicant explored locating the proposed tower in a more intensive use district. Correspondence with other telecommunication companies concerning colocation is required.

D.

The shared use of existing towers and antenna facilities shall be preferred to the construction of new such facilities. Any application for a special exception use permit or renewal thereof or modification of the provisions of this chapter shall include proof that reasonable efforts have been made to collocate with an existing cellular or PCS facility, including an adequate inventory report specifying existing towers and antenna sites within a reasonable distance from the proposed site and outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate to the reasonable satisfaction of the Town Board that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

(1)

Unwillingness of the owner to entertain a cellular or PCS facility proposal.

(2)

The planned equipment would exceed the structural capacity of existing and approved towers and facilities.

(3)

The planned equipment would cause radio frequency interference with other existing or planned equipment which cannot be reasonably prevented.

(4)

Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

(5)

Other reasons make it impracticable to place the equipment proposed by the applicant on existing and approved towers or facilities.

(6)

The proposed colocation of an existing tower or antenna site would be, by virtue of the requirements in this section, considered a prohibited use.

§ 173-8. Wind Energy Conversion Systems (WECS).

Two types of WECS are addressed herein: Type 1: A commercial unit designed for the generation of power supplied to the local grid; Type 2: A unit designed to supply power primarily to a single residence or property owner and can supply power to the grid on a limited basis. WECS associated with agricultural or farm operations and supplying a portion of a farm's electrical needs (not exceeding 110% of the farm's anticipated demand) shall be considered a Type 2 WECS.

A.

Zoning district requirements.

(1)

A Type 1 WECS shall not be permitted.

(2)

A Type 2 WECS shall be permitted by the following standards:

- (a) Residential-Single Family Zone under 5 acres shall have a maximum allowable tower height of 60'.
- (b) Residential-Single Family Zone over 5 acres shall have a maximum allowable tower height of 80'.
- (c) Agricultural-Rural Residential and Agricultural-Floodzone Zones under 5 acres shall have a maximum allowable tower height of 100'.
- (d) Agricultural-Rural Residential and Agricultural-Floodzone Zones between 5 to 10 acres shall have a maximum allowable tower height of 120'.
- (e) Agricultural-Rural Residential and Agricultural-Floodzone Zones between over 10 acres shall have a maximum allowable tower height of 140'.
- (f) Industrial Zone shall have a maximum allowable tower height of 140'.
- (g) Agricultural Operations within an Agricultural District and Agricultural Zone shall have a maximum allowable tower height of 140'.
- (h) Commercial / Restricted Business Zones shall have a maximum allowable tower height of 60'.
- (i) Blade tip may not exceed 15' above maximum allowable tower height as listed above, from section 2(a) to (h).
- (j) Tower height shall be measured from the average grade immediately surrounding the tower site.
- (k) Overall height shall be defined as the blade length plus the tower height.

B.

General provisions. Approval of all site plans or special use permits for the installation of a WECS shall comply with the following requirements:

(1)

No more than a single WECS shall be permitted on a parcel.

(2)

Except for agricultural or farm operations, the WECS must be within the parcel on which the power is to be utilized.

(3)

Rotor safety. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a qualified New York State licensed professional engineer(s) certifying that the rotor and over-speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer(s) should also certify the structural compatibility of towers with available rotors. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory.

(4)

Guy wires. Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any aboveground electrical transmission or distribution line. Guy wires are strongly discouraged; however if necessary the point of ground attachment for the guy wires shall be enclosed by a fence eight feet high.

(5)

Tower access. Towers should have either:

(a)

Tower-climbing apparatus located no closer than 12 feet to the ground;

(b)

A locked anticlimb device installed on the tower; or

(c)

The tower shall be completely enclosed by a locked, protective fence of eight feet high.

(6)

Noise.

The noise of the WECS shall not exceed a maximum of 50 dba, as measured at the boundaries of all the closest parcels that are owned by nonsite owners and abut the site parcels.

(7)

Electromagnetic interference.

The WECS shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Town Code Enforcement Officer that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.

(8)

Signs.

Signs shall be posted at the base of the tower warning of electrical shock or high voltage. Signs shall be visible from all quadrants.

(9)

Setbacks.

WECS shall be set back from any structure or above ground utility line a distance of 1.5 times its overall height or a minimum of 90 feet, whichever is greater. WECS shall be set back from any property line or ROW a distance of 2 times or greater its overall height. The WECS shall also not be placed in the front yard of any existing structure.

(10)

Abatement.

If a WECS poses a potential safety hazard, the owner or operator shall take immediate action to remedy the situation. The Town of Clarence shall have the authority to cause the abatement of any hazardous situation. If the Town of Clarence determines that the WECS poses a safety hazard, a Notice of Violation shall be issued and the WECS shall be made nonoperational until such hazard has been remedied to the satisfaction of the Town of Clarence.

If the WECS has been nonoperational or abandoned for a period of one year the system shall be removed within 45 days of written notice to the owner or operator of the system.

(11)

Maintenance and Repair Records.

Records of inspections, reports and maintenance activities shall be submitted to the Town of Clarence Building and Engineering Department within 10 days of receipt by owner and/or leasee.

(12)

Lighting of tower. Lighting of the tower for aircraft and helicopters will conform to FAA standards for wattage and color, when required. Additional lighting may also be required at the request of the Town Board.

(13)

Decommissioning and restoration.

The applicant shall include the following information regarding decommissioning of the project and restoring the site:

(a)

The applicant shall provide the following information and/or requirements regarding decommissioning and restoring the site:

[1]

The anticipated life of the project;

[2]

The estimated decommissioning costs in current dollars;

[3]

The method and schedule for updating the costs of decommissioning and restoration;

[4]

A method of ensuring that funds will be available for decommissioning and restoration; and

[5]

The anticipated manner in which the project will be decommissioned and the site restored.

[6]

Such other and reasonable requirements as the Town of Clarence shall require.

(14)

Accessory structure cabling.

All interconnecting cables between the WECS and accessory or servicing structures shall be underground.

(15)

Compliance with building code.

(a)

Building permit applications shall be accompanied by standard drawings of structural components of the WECS, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer that the system complies with the current building code. This certification would normally be supplied by the manufacturer.

(b)

Where the structural components or installation vary from the standard design or specification, the proposed modifications shall be certified by a New York State registered professional engineer for compliance with the seismic and structural design provisions of the building code.

(16)

Compliance with electrical code.

(a)

Building permit applications shall be accompanied by a line drawing identifying the electrical components of the WECS to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the electrical code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms to good engineering practices and complies with the electrical code. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(b)

Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the electrical code and good engineering practices.

(c)

Application requirements.

All site plan applications for a WECS shall be submitted to the Office of Planning and Zoning, to include the following, to include 3 copies:

(1)

Stamped engineered drawings for tower and foundation.

(2)

Site plan, elevations and property survey.

(3)

Stamped engineered drawings for tower and foundation

(4)

Height of the tower conforms to §173-8 (A) (2)

(5)

Setbacks are shown to conform to §173-8 (B) (9)

(6)

Aerial site plan showing relevant utility poles and lines, trees and structures, names of all adjacent property owners.

(7)

Manufacturer information provided for tower and turbine with visuals, including noise decibels.

(8)

A maintenance and removal plan made in writing to the Town of Clarence to include an agreement by the applicant, in writing, to remove the all components of the WECS, including tower, if such facility becomes technically obsolete or ceases to be used for its originally intended purpose. An acceptable bond and/or surety for the purposes of removing the WECS shall be purchased and remain in force for the life of the WECS.

§ 173-8 9. Fees.

A fee as established by the Town Board shall be paid with the application for every proposed use under this chapter.

§ 173-9 10. Variances.

The Town of Clarence Zoning Board of Appeals may, in appropriate cases and after public notice and hearing and subject to the appropriate safeguards, vary or modify the application of this chapter in harmony with its general purpose and intent.

§ 173-10 11. Penalties for offenses.

Failure to obtain a permit for construction of a satellite antenna or tower and to comply with any of the provisions of this chapter shall be deemed a violation and the violator shall be liable to a fine of not more than \$250 nor less than \$100 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.