

ARTICLE III - ZONING DISTRICT
REGULATIONS, ZONING MAPS

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SECTION 301 GENERAL REGULATIONS

The provisions of this Local Law shall be subject to such exceptions, additions or modifications as herein provided by the following general supplementary regulations. The dimensions and restrictions set forth in Schedule A are incorporated herein and made a part of this Local Law.

A. Buildings, Uses and Lots

1. One Principal Building and Use Per Lot - There shall not be more than one (1) principal building and one (1) principal use on any one lot in the Agricultural-Residential A-R, and the Residential - R Districts except as provided for in the following:

- a. An approved multifamily dwelling project,
- b. A single family dwelling accompanying a non-residential use permitted on a lot in A-R and R Districts, or
- c. A single family dwelling accompanying a non-residential use requiring a Special Use Permit in A-R and R Districts, if approved by the Town Board as part of the Special Use Permit Application Process.

2. Yard and Open Space for Every Building

No part of any yard or other open space required about any building or structure for the purpose of complying with the provisions of this Local Law shall be included as part of the yard or other open space similarly required for another structure. Also, no yard or other open space on one lot shall be considered as a yard or open space for a building or structure of any other lot.

3. Division of Land Into Lots

Whenever land is divided into lots such division shall be done in such a manner as to be in compliance with the applicable provisions of the Town of Bethany Zoning Law, Land Separation Law and Land Subdivision Regulations. No zoning permit shall be issued for a new lot unless said lot was created in compliance with the applicable provisions of the Town of

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Bethany Zoning Law, Land Separation Law and Land Subdivision Regulations.

4. Irregularly Shaped Lots

Where a question exists as to the proper application of any of the requirements of this Local Law to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the matter shall be referred to the Zoning Board of Appeals and dealt with in accordance with the applicable provisions of Section 209.

5. Lots Under Water or Subject to Flooding

- a. No more than twenty-five (25) percent of the minimum area requirements of a lot may be met by land which is underwater or subject to periodic flooding.
- b. Land which is under water and is open to use by persons other than the owner shall be excluded from the computation of the minimum area of a lot.
- c. Land in the bed of a stream not exceeding five (5) feet in width at mean water level, and land in a pond not exceeding one hundred fifty (150) square feet in area shall not be considered as under water for the purpose of computing lot area.
- d. Where any part of a lot is separated from the main body by water, such separated land shall not be included in computing lot area.

6. Required Road Frontage

No zoning permit shall be issued for any structure unless the lot which that structure is to be built upon has the required frontage on a road, as defined herein, which frontage provides the actual access to such structure, and which road shall have been suitably improved to Town Board standards or a bond posted therefore to the satisfaction of the Town Board or Planning Board as provided in Section 280a of the Town Law.

7. Parts of Lot Not Counted Toward Area Requirements

No part of any lot less in width than one-half (1/2) of the minimum requirements for the district in which it is located shall be counted as part

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of the minimum lot area.

8. Adjacent Lots

Where two (2) or more adjacent lots are at the time of the effective date of this Local Law in the same ownership, they shall not be considered a single lot, unless they are described as one parcel in a deed recorded at the Genesee County Clerk's Office.

B. Supplementary Yard Regulations, Stripping, Mining and Excavations

1. Porches

No unroofed structure shall be considered part of a building insofar as yard requirements are concerned. A porch shall be considered a part of the building in determining the yard requirements or amount of lot coverage.

2. Projecting Horizontal Architectural Features

Architectural features, such as window sills, belt courses, chimneys, cornices, eaves or bay windows, shall not project more than three feet into any required yard.

3. Fire Escapes

Open fire escapes may extend into any required yard.

4. Visibility at Intersections

On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three (3) feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting road lines and a straight line joining said road lines at points which are thirty (30) feet distant from the point of intersection, measured along said road lines. This paragraph shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

5. Swimming Pools

All swimming pools whose capacity is three thousand (3,000) gallons or more shall be located in other than a front yard and shall be set back a

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minimum of twenty-five (25) feet from any property line. Pools shall be installed and enclosed in compliance with the NYS Uniform Fire Prevention and Building Code.

6. Buffer Strip

Wherever a buffer strip is required by this local Law, it shall meet the following standards:

- a. Be at least ten (10) feet in width along any business or industrial lot line abutting a lot in a Residential or Agricultural-Residential district.
- b. Be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
- c. A wall or fence of location, height, and design approved by the Planning Board may be substituted for the required planting.

7. Open Space - Commercial and Industrial Districts

Where a Commercial or Industrial District abuts a Residential or Agricultural-Residential District, there shall be at least one hundred (100) feet of open space within the Commercial or Industrial District along such abutting line, which open space shall include a buffer strip pursuant to the provisions of Section 301(B)(6).

8. Stripping, Mining, Etc.

No person shall within a distance of five hundred (500) feet of any road, strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the topsoil is taken, except in connection with the construction or alteration of a building or structure on such premises and excavating or grading incidental thereto. However, upon application, the Zoning Board of Appeals may at its discretion, for good cause shown, grant a permit for removal of topsoil or allow for excavation for gravel, stone, sand or like substances. Such approval to be granted only after proof of permit to operate is obtained from the state agency lawfully charged with review or control of said operations.

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9. Drilling

No person shall within a distance of two hundred (200) feet from any residence, or neighboring building, drill a well for oil, gas, salt or like materials.

10. Excavation

In any construction, open excavations shall be limited to a maximum of sixty (60) days, with appropriate fencing, barricades or covering.

11. Ponds

Ponds shall not be located within one hundred (100) feet of a property line. The design and construction of all ponds shall be acceptable to the Genesee County Soil and Water Conservation District.

C. Location of Accessory Buildings and Structures

1. Accessory buildings are permitted as follows:

- a. One (1) story accessory building having a total floor area of one hundred fifty (150) square feet or less and a building height of not more than nine (9) feet shall not be located closer than eight (8) feet of the rear and side lot lines in the rear yard area.
- b. The location of accessory buildings having a total floor area greater than one hundred fifty (150) square feet or a building height of greater than nine (9) feet shall be located in compliance with the required yard areas of the respective district and shall not be located in front of the principal building, i.e., the front yard.

2. Accessory structures (other than buildings) are permitted as follows:

- a. Accessory structures (other than buildings) equal to or less than fifteen (15) feet in height, including shall not be located closer than fifteen (15) feet to the side and/or rear lot line and shall not be located within the minimum required front yard.
- b. Accessory structures (other than buildings) greater than fifteen (15) feet in height, including production model Wind Energy Conservation Systems (windmills) shall be located in compliance

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with the required yard area of the respective district and shall be located in the rear yard.

- c. Satellite dishes equal to or less than forty (40) inches in diameter may be located anywhere on a lot outside of any public right-of-ways. Satellite dishes greater than forty (40) inches in diameter may be installed in any yard area other than the minimum required front yard, provided no portion of the satellite dish (including foundation) is located within three (3) feet of a property line. Satellite dishes shall be installed in compliance with applicable FCC regulations and the NYS Uniform Fire Prevention and Building Code.

D. Nonconforming Uses, Structures and Lots

1. Lawful Existing Uses or Structures

Except as otherwise provided in this Section, the lawful use of land or structures existing at the effective date of this Local Law may be continued, although such use or structure does not conform to the regulations specified in this Local Law for the zone in which such land or structure is located, provided, however:

- a. That no nonconforming lot shall be further reduced in size.
- b. That no nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance.
- c. That no nonconforming use may be expanded.
- d. No existing conforming use shall be changed to a nonconforming use.

2. Abandonment

A nonconforming use shall be adjusted or abandoned when there occurs a cessation of any such use or activity and a failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

3. Restoration and Repair

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Nothing in this Local Law shall prevent the restoration and repair or continuation of use of a nonconforming building destroyed or partly destroyed by a disaster, provided that restoration is commenced within eight (8) months after date of destruction and is completed within sixteen (16) months after date of destruction.

4. Reversion

No nonconforming use shall, if once changed into a conforming use, be changed back again to a nonconforming use.

5. Alterations

A nonconforming building may not be structurally altered during its life to an extent exceeding, in aggregate cost, fifty percent (50) of the assessed value of the building unless said building is changed to conform to the requirements of this Local Law.

6. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.

E. Uses Not Permitted

Uses which are not allowed by this Local Law are prohibited.

F. Minimum Habitable Floor Area

1. One-family dwellings shall have a habitable floor area of at least seven hundred fifty (750) square feet.
2. Two-family dwellings shall have a habitable floor area of at least seven hundred fifty (750) square feet per unit.
3. Multiple family dwellings shall have a habitable floor area of at least six hundred (600) square feet per unit.

G. Dwelling Front Yard Grade

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Surface grade of front yards of dwellings measured at the midpoint of the front wall, shall be at least one (1) foot above the elevation of the road's center line, unless adequate site drainage is provided otherwise.

H. Stabling Farm Animals

1. There shall be no stabling of farm animals or storage of manure, fertilizer, or similar odor or dust producing substance within the R District. Such stabling or storage shall be permitted in the A-R, C or I Districts provided the following restrictions are observed:
 - a. No such stabling or storage shall take place within five hundred (500) feet of an R District.
 - b. No such stabling or storage shall take place within one hundred (100) feet of a lot containing a dwelling or other residence.

I. Minimum Dimensional Criteria

All one (1) and two (2) family residential units located on individual lots shall have a minimum outside width of at least twenty (20) feet. This provision shall not prohibit the construction of smaller additions or projections from larger units (less than twenty (20) feet wide) provided a twenty (20) foot minimum width is clearly established for the entire unit. This minimum dimensional criteria shall be required for all conventional built (i.e., on-site and factory manufactured) units and mobile homes occupied as permanent dwellings. This minimum dimensional criteria shall not apply to temporary residences as provided for in Section 401, Subsection B, or to mobile home parks as provided for in Section 402 of this Local Law.

J. Height Exceptions

1. District building height regulations shall not apply to flagpoles, radio or television antennae, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads, penthouses, parapets or railings, water tanks or cooling towers, or any similar structures, provided that such structures are located on the roof and in their aggregate coverage occupy no more than ten percent (10%) of the roof area of the building.
2. District building height regulations shall not apply to Commercial Communication Towers. [LL No. 1 of 2008]

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3. District building height regulations shall not apply to Small WECS but shall be restricted in height as follows:
 - a. Eighty (80) feet or less on parcels between one (1) and five (5) acres.
 - b. One hundred fifty (150) feet or less on parcels of five (5) or more acres. [LL No. 1 of 2008]

SECTION 302 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are hereby established:

Agricultural-Residential A-R
Residential R
Commercial C
Industrial I
Planned Unit Development PUD

SECTION 303 ZONING MAP

The zoning districts are shown, defined and bounded on the zoning map accompanying this Local Law. The zoning map is hereby made a part of this Local Law and shall be on file in the Town Clerk's Office. The FP Flood Plain Overlay Zone "A" shown on said map is for informational purposes Flood regulations and the controlling map for flood purposes are set forth in a separate Local Law for Flood Damage Prevention.

SECTION 304 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

- A. Questions concerning the exact location of district boundary lines as shown on the zoning map shall be resolved by the Zoning Board of Appeals pursuant to the provisions of Section 209 of this Local Law.
- B. Where a district boundary line divides an existing lot of record, the regulations for the less restricted part of such lot shall extend not more than fifty (50) feet into the more restricted part, provided the lot has frontage on a road in the less restricted district.

SECTION 305 RESIDENTIAL DISTRICT R

The R District is designed to accommodate primarily residential uses on lots with a minimum area of thirty thousand (30,000) square feet. The purpose of this district is to

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encourage residential growth in areas of the Town which have existing concentrations of residential uses. The residential district will allow for more economical provision of public services such as water and sanitary sewer should the need arise at some future date.

A. Permitted Uses

The following uses are permitted in the Residential District:

1. One (1) and two (2) family dwellings
2. Churches and other places of worship, parish houses, convents, rectories and parsonages
3. Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses
4. Home occupations
5. Farms and all usual agricultural operations, excluding stabling of farm animals

B. Uses Requiring Special Use Permit

The following uses are permitted in a Residential District upon issuance of a special use permit:

1. Multi-family dwellings
2. ~~Wind energy conversion system production models.~~ [LL No. 1 of 2008]
3. Temporary mobile homes in accordance with the provisions of Section 401
4. Professional offices
5. Community center
6. Nursing home
7. Commercial greenhouse

8. Child day care center
9. Adult day care
10. Bed and breakfast
11. Small WECS [LL No. 1 of 2008]

SECTION 306 AGRICULTURAL-RESIDENTIAL DISTRICT A-R

The Agricultural-Residential District is designed to accommodate primarily agricultural uses in order to preserve the Town's agricultural base and maintain its rural nature, but residential uses are permitted therein. It is recognized, however, that agricultural and residential uses have a number of inherent conflicts between them. Individuals who plan to develop residential uses within the A-R District should be aware of such inherent conflicts and that residences are a secondary use.

A. Permitted Uses

The following uses are permitted in the Agricultural-Residential District:

1. Farms and all usual agricultural operations
2. One (1) and two (2) family dwellings
3. Schools, public parks, playgrounds, libraries, municipal buildings and water systems and similar public uses
4. Home occupations
5. Single mobile homes in accordance with the provisions of Section 401
6. Small WECS – When utilized solely for agricultural operations in a State or County agricultural district. [LL No. 1 of 2008]
7. Animal waste storage facility [LL No. 1 of 2008]

B. Uses Requiring Special Use Permit

The following uses are permitted in an Agricultural-Residential District upon the issuance of a special use permit:

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1. Multi-family dwellings
2. ~~Wind Energy Conservation System Production Model~~ Small WECS -
When utilized solely for any non-agricultural use. [LL No. 1 of 2008]
3. Outdoor recreation facility
4. Indoor recreation facility
5. Club
6. Airport landing strip
7. Dog kennel
8. Motor vehicle repair shop
9. Community center
10. Animal hospital
11. Mobile home park in accordance with the provisions of Section 402
12. Junkyard
13. Nursing Home
14. Public utility
15. Recreational vehicle park in accordance with the provisions of Section 502
16. Professional offices
17. Child day care center
18. ~~Animal waste storage facility~~ [LL No. 1 of 2008]
19. Self-service storage facility
20. Pond
21. Commercial communication tower

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22. Adult day care
23. Bed and breakfast
24. Animal shelter
25. Agricultural based business

C. Uses Requiring A Special Use Permit -Arterial Highways

The following uses are permitted in the Agricultural & Residential District upon the issuance of a special use permit provided the affected lot and proposed use fronts directly upon an arterial highway (NYS Routes 20 or 63).

1. Gasoline station
2. Gasoline station-market

D. Uses Requiring A Special Use Permit -Arterial or County Highways

The following uses are permitted in the Agricultural & Residential (AR) District upon the issuance of a special use permit provided the affected property and proposed use fronts directly upon either an arterial highway (NYS Routes 20 or 63) or a County highway .

1. Municipal solid waste processing facility

SECTION 307 COMMERCIAL DISTRICT C

The C District is designed to accommodate commercial uses.

A. Permitted Uses

The following uses are permitted in the Commercial District:

1. Retail uses and services
2. Restaurant
3. Motel
4. Commercial greenhouse

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5. Professional offices

B. Uses Requiring A Special Use Permit

The following uses are permitted in the Commercial District upon the issuance of a special use permit:

1. Drive-in business
2. Motor vehicle repair shop
3. Gasoline station
4. Gasoline station-market
5. Indoor recreation facility
6. Light industry limited to assembly operations and warehousing
7. Motor vehicle sales
8. Recreational vehicle and mobile home sales and service
9. Child day care center
10. Adult Business
11. Commercial communication tower
12. Small WECS [LL No. 1 of 2008]

SECTION 308 INDUSTRIAL DISTRICT I

The I District is designed to accommodate industrial uses.

A. Permitted Uses

The following uses are permitted in the Industrial District:

1. Manufacturing industries
2. Warehouse or wholesale use

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3. Public utility
4. Machinery and transportation equipment, sales, service and repair
5. Freight and/or trucking terminal
6. Contractor's yard
7. Motor vehicle repair shop

B. Uses Requiring a Special Use Permit

The following uses are permitted in the Industrial District upon the issuance of a special use permit:

1. Junkyards
2. Adult business
3. Municipal solid waste processing facility
4. Commercial communication tower
5. Indoor recreation facility
6. Outdoor recreation facility
7. Small WECS [LL No. 1 of 2008]

SECTION 309 PLANNED UNIT DEVELOPMENT - PUD

A. Purpose

The purpose of the Planned Unit Development District is to permit greater flexibility, more creative and imaginative design and utilization of innovative land development techniques while promoting more economical and efficient use of land, buildings, circulation systems and utilities; to provide for both individual building sites and common property which are planned and developed as a unit; to provide harmonious land uses which offer a high level of amenities; to permit a variety of residential types and/or nonresidential uses; and to preserve natural and scenic qualities of the site during the development process.

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B. General Requirements

1. Minimum Area

The minimum area required to qualify for a Planned Unit Development shall be five (5) contiguous acres of land.

2. Ownership

The tract of land for a Planned Unit Development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner, or jointly by owners, of all property included in a project. In the case of multiple ownership, the approved Planned Unit Development plan is binding on all owners.

3. Location

The Planned Unit Development District shall be applicable to any zoning district or parts of zoning districts where the applicant can demonstrate that the characteristics of his holdings and plan will meet the objectives of this Section.

4. Common Open Space

Common open space in a Planned Unit Development may be one (1) or more sites for use in common by all of the occupants within the project area or by the residents of the Town as a whole, depending upon dedication of such sites. Such common open space may be retained in private ownership or received in dedication by the Town. If the open space remains in private ownership, arrangements for the operation, maintenance, improvement and liability of such common property and facilities must be approved by the Town Board. No common open space, so designated by the proposal and approved by the Town Board, may be thereafter developed or disposed of except with the approval of the Town Board.

5. Permitted Uses

Any uses identified as permitted uses or uses allowed by special permit as set forth in this Local Law for any district may be permitted in a Planned Unit Development.

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6. Mix of Uses

The mix of permissible uses shall be determined by the Town Board.

C. Application Procedure and Approval Process

1. Conceptual Review

Before submission of a petition for rezoning as a Planned Unit Development, the developer is encouraged to meet with the Town Planning Board to determine the feasibility and suitability of his proposal before entering into any binding commitments or incurring substantial expenses of site plan preparation and the required documentation.

2. Rezoning Procedure

a. Submission of Petition

A petition for the establishment of Planned Unit Development Districts shall be submitted to the Town Clerk by the developer (see Paragraph d. of this Subsection).

b. Notification and Referral

Within five (5) working days, the Town Clerk shall notify the Town Board of the petition and shall promptly forward the petition and all supporting documentation to the Planning Board for its review and recommendation.

c. Planning Board Review

Within sixty-two (62) days of receipt of the petition, the Town Planning Board shall review it and recommend approval, approval with modifications or disapproval thereof to the Town Board. Failure to act within sixty-two (62) days or such longer period as may be consented to by the developer shall constitute approval of said petition by the Planning Board.

d. Submission Requirements

The petition shall be accompanied by four (4) sets of preliminary plans. These four (4) sets shall be submitted to the Town Clerk. The preliminary plans shall be accompanied by such maps, charts

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and written material necessary for the Boards to make a preliminary judgment on the suitability and impact of the proposed Planned Unit Development on the Town. Preliminary plans should include the following:

- i. A preliminary site plan of the property covered by the petition showing the approximate size and location of the various development areas (road rights-of-way, single-family housing areas, multifamily housing areas, commercial and open space areas, etc.); the number and type of residential structures and dwelling units within each residential area; the approximate square footage of nonresidential use within each nonresidential area; the amount of open space; traffic circulation and the surrounding land uses.
- ii. A written preliminary description of the proposal including the total number of acres in the site; the estimated number and type of housing units; the estimated residential and nonresidential density; the major planning assumptions and objectives; the probable effect on adjoining properties; and the effect on the overall Town development plan and the effect on this Local Law.

e. Review Considerations

In reviewing the preliminary plans, the Planning Board shall consider the manner within which the proposal fits the general pattern of land use established by this Local Law, and the impact on the established land uses in the area, overall density of development, traffic circulation, the provision of open spaces, and the effect on schools and other municipal facilities.

f. Town Board Review and Approval

Upon receipt of the Planning Board's recommendation, the Town Board may, after a public hearing and review of the proposed zone change by the County Planning Board, pursuant to General Municipal Law Sections 239 l and m, amend this Local Law so as to establish and define the boundaries of the Planned Unit Development. If the rezoning request is approved for the Planned Unit Development, such action does not authorize improvements to the rezoned land.

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3. Final Plan

a. Submission of Final Plan

Upon approval of the zone change, the applicant has one (1) year in which to submit a final plan to the Town Clerk.

b. Ownership

Before final approval of the Planned Unit Development, the developer must show evidence of the full legal ownership in the land.

c. Notification and Referral

Within five (5) working days, the Town Clerk shall notify the Town Board of the filing of the final plan and shall promptly forward the final plan and all supporting documentation to the Planning Board for its review and recommendation.

d. Planning Board Review

Within sixty-two (62) days of receipt of the final plan, the Planning Board shall review the final plan and recommend approval, approval with modifications or disapproval to the Town Board. Failure to act within sixty-two (62) days or such longer period as may be consented to by the developer, shall constitute approval of the final plan by the Planning Board.

e. Submission Requirements

The developer shall submit a minimum of four complete sets of the final plan and drawings (additional sets may be required). These four sets shall be submitted to the Town Clerk. The final plan shall be accompanied by a detailed justification for the proposal including such maps, charts and written material necessary for the Town Board to make an impartial judgement on the suitability and impact of the proposed Planned Unit Development on the Town. Such material shall include, but not be limited to, the following:

- i. A mapped development plan of the property covered by the development showing the size and location of the various development areas (road rights-of-way, single-family

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housing areas, multifamily housing areas, commercial and open space areas, etc.), the location of proposed residential structures and dwelling units within each residential area, the square footage of nonresidential use within each nonresidential area and the amount of open space.

- ii. A written description of the proposal including the major planning assumptions and objectives, the probable effect on adjoining properties, the effect on the overall Town development plan and the effect on this Local Law.
 - iii. Such additional written material, graphs or charts as are necessary to present the total number of acres in the site, the number and type of housing units, the gross and net residential densities, the approximate selling and/or rental prices of the units, and square feet of nonresidential floor area including the approximate selling and/or rental price, the development schedule expressed in units per month (or year or any other approximate time sequence), the phasing plan (if any), the approximate completion date of the entire project, and the estimated total construction cost of the project upon completion.
 - iv. Such other written or graphic material as is necessary for the Planning Board to judge the impact of the proposal on the Town. Such material shall include, but not be limited to: the need for new public facilities and the adequacy of existing facilities including a statement of the intent to which the developer intends to provide needed facilities, a fiscal impact statement including a summary of new costs and revenues to the Town due to the development, the projected new population, and the method of assuring that all open spaces will be permanently maintained and devoted to open space uses.
- f. Review Considerations

In reviewing the final plan, the Planning Board shall consider the manner with which the proposal fits the general pattern of land use established by this Local Law, and the protection of the established and permitted uses in the area. It shall consider: the location of main accessory buildings and their relation to one another; the

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circulation pattern of the site, and the amount, location, and access of parking and off-street loading space facilities; the height and bulk of buildings; the provision of open spaces, landscaped areas, signs, and similar features of the site plan; and the safeguards provided to minimize possible detrimental effects of the proposed development on adjacent property and the surrounding neighborhood; the manner of conformance with the official development policies of the Town; the effect on schools and other municipal facilities; and the manner in which natural and scenic characteristics of the site are preserved.

g. Town Board Review and Approval

Upon receipt of the Planning Board's recommendation, the Town Board shall, after a public hearing and review of the final plan by the County Planning Board, pursuant to General Municipal Law Sections 239 l and m, approve, approve with modifications or disapprove the final plan. The Town Board shall make its decision in accordance with official Town development policies and may impose conditions relating to that plan. The decision of the Town Board shall immediately be filed in the office of the Town Clerk and a copy mailed to the applicant by regular mail.

D. Design Standards

1. Area Requirements

The least restrictive area, yard, coverage, height, density and supplementary regulation requirements applicable to a specific use under this Local Law shall apply, except where the Planning Board finds that it is in the public interest to modify these requirements and the Town Board approves such modifications.

2. Traffic and Circulation

- a. All proposed public roads shall meet the design and construction specifications set forth by the Town Highway Superintendent and/or Town Engineer.
- b. Special consideration should be given to pedestrian movement from the standpoint of safety, convenience and amenity. Sidewalks, curbs and gutters should be considered in the design of

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the overall circulation system.

3. Common Open Space

All common open space should be preserved and maintained for the intended purpose through one or more of the following methods:

- a. Public dedication
- b. Establishment of a Home Owners Association
- c. Retention of responsibilities, control and maintenance by the developer.

4. Security

Performance and maintenance bonds or other security may be required in the discretion of the Town Board.