

§ 250-10 Conservation Agricultural Residential (C) District regulations.

A. Purpose. The Conservation Agricultural Residential (C) District regulations are intended to preserve and maintain the quality and quantity of surface and groundwater in the primary watershed area of Silver Lake, Mud Pond, and Long Pond. These lakes have been identified as one of Dutchess County's Significant Areas by the Dutchess County Environmental Management Council because of their unique geological formation and important habitats. They are also identified in the Town of Clinton Master Plan as located over a prime aquifer. The C District regulations permit agriculture and residential uses, but prohibit certain uses and activities that are incompatible with the goal of protecting high-quality water for drinking and recreational use. The restrictions are designed to ensure long-term surface water quality and the substantial groundwater potential in this area, to protect aquatic life, and to protect the health, safety and general welfare of the surrounding residents.

B. Applicability. The additional requirements of this section apply to the Conservation Agricultural Residential District as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter.

C. General. (1) No proposed use or action requiring a permit or approval from the Planning Board or the Zoning Board of Appeals, as the case may be^[1] shall be approved unless such board finds that, based on available information, analysis and evidence, the proposed action would not: (a) Significantly alter the subsurface flow of groundwater to existing water supply wells; (b) Degrade the quality of surface or groundwater through the introduction of sewage wastes, liquid chemicals, petroleum products, dissolved metals, or other toxic substances; (c) Increase the long-term risk of water contamination through the siting, establishment, or expansion of uses which store, transport, or use significant quantities of material which is potentially harmful to water quality; (d) Increase the risk of water contamination through the excavation of soil, sand, stone, or gravel. (2) Any action requiring a site plan, special use permit, or subdivision approval shall include a soil erosion and sediment control plan in accordance with §250-71 of this chapter. (3) Nothing in this subsection C shall apply to agricultural uses or farm operations.

D. Use requirements. (1) Prohibited uses and activities. The following uses or activities are prohibited in the C Chapter 250: Zoning Article III: District Regulations 2 District: (a) Land application, disposal, or storage of any sludge, solid wastes, municipal wastewater, toxic chemicals, hazardous or radioactive materials, except the storage of solid waste and hazardous substances in containers as part of normal household use. Such restriction shall not apply to normal agricultural operations; (b) Disposal of toxic or hazardous wastes in disposal wells or unsealed abandoned wells; (c) Snow stockpiling or dumping from Town roads or public or private parking lots, except normal road plowing; (

2) Agricultural chemical storage. The use of underground storage tanks or vaults for the storage of fertilizers, herbicides, pesticides, fungicides, insecticides, and defoliant (collectively "agricultural chemical(s)) for agricultural or commercial use is prohibited. Once removed, any underground storage tank shall not be reinstalled underground, and any replacement tank shall not be installed underground. Above ground storage of agricultural chemicals for agricultural or commercial use shall be in a tank or a vault designed and constructed so as to provide full containment of any product released from the storage tank or vault to prevent any of such materials from entering surface water or ground water.

(3) Petroleum storage. The use of underground storage tanks or vaults for the storage of petroleum products, including but not limited to, gasoline, heating oil, diesel oil, kerosene, and motor oil, is prohibited. Once removed, any underground storage tank shall not be reinstalled underground, and any replacement tank shall not be installed underground. Above ground storage of petroleum products shall be in a tank or a vault designed and constructed to provide full containment of any product released from the storage tank or vault to prevent any of such material from entering surface water or ground water.

(4) Salt and coal storage. The bulk storage of salt or coal is prohibited except in a completely enclosed building or structure, which shall be designed and constructed so as to prevent any seepage or runoff containing such materials from entering surface water or ground water.

(5) Agricultural uses. (a) No building in which animals are kept shall be placed closer than two hundred (200) feet to the mean high-water mark of any surface water body, stream, or river. Such restriction shall not apply to buildings in existence on the effective date of this chapter. (b) All stables, pigsties, barnyards, standing places and other areas where animal wastes may accumulate shall be so arranged and maintained that no washings or drainage therefrom shall flow into any lake, watercourse or wetland. This subsection shall not apply to such structures and feed lots in existence on the effective date of this chapter. Chapter 250: Zoning Article III: District Regulations 3

(6) Hazardous substances. No pesticides, herbicides, fertilizers or other hazardous substances for lawn care shall be stored or applied within two-hundred (200) feet of any lake. Such substances should be stored and used in compliance with state guidelines and regulations to prevent leaching into surface and groundwater.

(7) Sewage treatment systems. (a) No septic system or other facility for the deposit or treatment of human wastes or wastewater shall be constructed within two-hundred (200) feet of a lake, watercourse or wetland or in such a place or manner to threaten to contaminate the same. Such restriction shall not apply to septic systems installed before the effective date of this chapter. (b) Before a building permit to expand the number of bedrooms or bathrooms in an existing building shall be issued, the applicant shall present evidence that the existing sewage disposal system has been inspected by a of inspection by a New York State licensed professional together with an affidavit signed and stamped by said licensed professional stating that the existing or the proposed sewage disposal system would be adequate to support such proposed expansion and that there is no evidence that such expansion would cause surface or ground water lake pollution. (c) All sewage treatment systems shall be designed with subsurface discharge resulting in no visible effluent.

§ 250-11 Hamlet (H) and Residential Hamlet (RE) District regulations.

A. Purpose. The Town of Clinton values the architectural character of its historic hamlets. The following district regulations are intended to reinforce Clinton's hamlets by allowing residential and certain nonresidential growth in and immediately around existing hamlets. These districts provide for a traditional hamlet land use pattern of mixed residential, community facilities, and small-scale commercial businesses. A variety of uses and housing types, short front setbacks, pedestrian orientation, vacant and interior lot development are encouraged, while highway business uses or suburban strip centers are not allowed. Compatibility with the existing historic and primarily residential character of the hamlets is protected through design criteria in the site plan review process.

B. Location and permitted uses. The additional requirements of this section apply to the Residential Hamlet (RH) and Hamlet (H) Districts only, as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter. The permitted uses in the RH and H Districts are listed in the Schedule of Use Regulations.

C. General Standards. These minimum standards shall apply to all subdivisions, regardless of Chapter 250: Zoning Article III: District Regulations 4 the number of lots proposed, in the Residential Hamlet (RH) and Hamlet (H) Districts so as to accommodate future development consistent with the following design concepts.

(1) Access. To the extent practical, new buildings should [2] front on new interior roads, and not on county or town roads. Any new interior roads should be built with provisions for a pedestrian accessway and the Planning Board may require street trees, sidewalks, and onstreet parking. Where appropriate, adjacent nonresidential parking and circulation routes should be interconnected to limit access points onto main roads. The Planning Board is authorized to require sidewalks where, in the sole opinion of the Board, pedestrian safety would be ensured or enhanced by the availability of sidewalks.

(2) Off-street parking. All nonresidential and multifamily off-street parking should [3] be screened with landscaping or fencing from the public roadway and neighboring residential properties, and should be located behind the front building line, preferably in the rear yard, except where specific site conditions make such location impractical. For

the purposes of this section, the front building line shall also include, on a corner lot, any side building line that fronts on a street.

(3) Maximum size of structures. The maximum footprint (ground area covered by the building and foundation) of any structure shall be 3,000 square feet, except such limitation shall not apply to agricultural buildings.

(4) Mix of nonresidential and residential uses. In the RH and H Districts, up to one nonresidential establishment and one dwelling unit are permitted on the same lot. These combined uses on the same lot shall be either attached or in a detached building in existence as of the effective date of this chapter. For the purpose of this subsection, newly constructed detached structures for mixed commercial use are not permitted. Combined uses on one lot are subject to Health Department approval and shall provide off-street parking for both uses in conformance with § 250-63, Off-street parking.

(5) Hours of operation. Hours of operation for commercial uses shall be limited to between 6:00 a.m. and 10:00 p.m., except agriculture, medical facilities, hotels, motels and theaters.

(6) Protection of existing development. For actions requiring site plan review (not required for single-family dwellings), the Planning Board shall consider at least the following factors and may suggest alternatives in the following areas: (a) Visual compatibility with surrounding buildings, including proportions of the front facade, proportion and arrangement of windows and other openings within the facade, roof shape, color and rhythm of spacing of buildings on the street. (b) Comparable treatment of the sides and rear of all buildings in amenity and appearance to that given the front facades of these same buildings. (c) Building materials and site accessories and their relation to similar features of other Chapter 250: Zoning Article III: District Regulations 5 nearby properties in the district. (d) The hamlet objectives to extend and link pedestrian accessways, encourage accessible areas that can accommodate public activities, and to enhance the pedestrian environment through coordinated landscaping, lighting, signs, street furniture and design.

D. Design standards. (1) Circulation. The circulation system [4] should allow for different modes of transportation and provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and should be connected to existing and proposed external development. The circulation system should provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, and promote safe and efficient mobility through the traditional neighborhood development. Dead-end alleys, streets, and cul-de-sacs are discouraged. (a) Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor-vehicle conflicts should be provided and aligned with existing or future pedestrian circulation systems. Where feasible, existing pedestrian routes through the site should be preserved and enhanced. (b) Sidewalks. The Planning Board may require sidewalks when, in the opinion of the Board, sidewalks are necessary or desirable to enhance pedestrian safety or to provide walkable connections between residential and nonresidential uses and along existing and proposed transportation corridors. (c) Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act. (d) Crosswalks. Intersections of sidewalks with streets should be designed with clearly defined edges and clearly marked with contrasting paving materials at the edges or with striping. (e) Bicycle circulation. Where feasible bicycle circulation should be accommodated on streets and/or on dedicated bicycle paths and existing bicycle routes through the site preserved and enhanced. (f) Public transit access. Where transit shelters are provided, they should be placed in highly visible locations that promote security and should be well-lighted.

(2) Street layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. Where practicable, service alleys for deliveries and utility access should be established along rear property lines. Chapter 250: Zoning Article III: District Regulations 6

(3) To the extent ~~Where~~ practicable, electric, water, sewer, gas and other utilities shall ~~be~~ be placed underground.

(4) Parking requirements. Parking areas for shared or community use are encouraged. In addition: (a) Any parking lot shall be located at the rear or side of a building. Appropriate landscaping or fence screening, as directed by the Planning Board, shall be provided where the property abuts a residential use. (b) For non-residential uses and for mixed residential/non-residential uses, adjacent onstreet parking may, with approval of the Planning Board, apply toward the minimum parking requirements. (c) For residential and for mixed residential/commercial uses, parking for each residential dwelling unit shall be provided on-site in accordance with §250-63 of this chapter. (d) Shared parking facilities are encouraged. The Planning Board shall ensure that appropriate cross easements for use and ingress and egress to shared parking facilities are filed with the County Clerk as part of development plan approval.

(5) **Architectural standards.** [5] Architectural features, building materials and designs should be implemented to be consistent with the nature of the Hamlet (a) Guidelines for new structures. i. Height. The height of new structures should be consistent with the height of existing neighboring structures to avoid a stark visual contrast. For example, development of a new single-story structure surrounded by structures of two and three stories should be avoided. ii. New or in-fill construction should be designed be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, porches, shutters, and other exterior design elements should result in an overall design that complements the existing character of the streetscape. iii. The continuous ground level frontage of a single commercial use building in excess of 60 feet in length on any frontage exposed to a street, public space or parking area should be contained in a mixed use structure or be architecturally designed to appear as a streetscape composed of a variety of buildings that helps to further prevent the visual dominance or appearance of a single, large commercial structure. iv. All facades that face a street, parking lot or public area should have windows. Chapter 250: Zoning Article III: District Regulations 7 v. Pitched roofs should be used on buildings in lieu of flat roofs to the extent feasible. If pitched roofs are infeasible or impractical in a given situation, then, at a minimum, a pitched roof architectural feature should be required as a detail element, i.e., entry way or tower element to break the horizontal façade.

(6) Lighting shall comply with §250-61A of this chapter.

(7) Landscaping shall comply with §250-61 of this chapter.

(8) Storm water management standards. The design should minimize, off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained and protected to the maximum extent practicable.

§ 250-13. Medium Density Residential (MR1) District Regulations

A. Purpose. This district encompasses the area between Route 9G and the Town's western border along the Crum Elbow Creek as more particularly described in the Town of Clinton Zoning District Map, Chapter 250 Attachment 4. The purpose of this district is to allow a variety of residential uses while protecting the safety and capacity of the state highway and the Crum Elbow Creek stream corridor. On a single parcel, Multiple One-family, two-family, multifamily, and cluster residential development are allowed, as well as mobile home parks and camping trailer campgrounds. A stream protection buffer at least one-hundred (100) feet from the mean high-water mark of the Crum Elbow Creek must be maintained for all principal uses other than agriculture and one-family or two-family dwellings, and natural vegetation must be maintained in this buffer to prevent erosion. To protect the safety and capacity of the state highway, only a minimum number of driveways are allowed. In order to prevent any possibility of strip commercial development, only a few selected commercial uses are permitted in this district. Uses that could evolve into a strip commercial character are prohibited.

B. Applicability. The additional requirements of this section apply to the Medium Density Residential (MR1) District only, as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter.

C. Standards. (1) Access. To the extent practical, new structures shall front on new interior roads, and not on the state highway. Driveways entering directly onto the state highway shall be strictly limited to the minimum necessary to service the use. (2) Setback buffers. In addition to the minimum yards listed in the District Schedule of

Area and Bulk Regulations, a setback buffer area of at least one hundred (100) feet in Chapter 250: Zoning Article III: District Regulations 8 depth from the property line along the state highway containing no structures shall be maintained. For principal uses other than agriculture and one-family or two family dwellings, the buffer area shall be planted and bermed or fenced to completely screen in all seasons the use from the state highway. (3) Stream protection. A stream protection buffer at least one hundred (100) feet from the mean high- water mark of the Crum Elbow Creek shall be maintained for all principal uses. Natural vegetation shall be maintained to prevent erosion, and campsites, mobile home sites, and or accessory structures shall be prohibited in such buffer area. For more detailed maps please see town website as part of the comprehensive plan. (4) All permitted uses in the MR1 District shall comply with all other provisions of this chapter and all other ordinances and local laws of the Town of Clinton. (5) The minimum lot area for any proposed lot within the MR1 District shall be as set forth in Attachment 2 of this chapter and subject to the minimum lot area requirements of §250-19 of this chapter. (6) Development of land in the MR1 District shall be subject to the Aquifer Protection Overlay District regulations of §250-15d, and the agricultural protection requirements of §250-51. (7) Development of land in MR-1 District shall be subject to the regulations of §250-33A, Biodiversity Study Regulations. (8) Development of land in the MR1 District shall conform to erosion and sedimentation control standards as defined in §250-71 of this chapter

§ 250-14. Office-Light Industrial (I) District Regulations

A. Purpose. It is the purpose of this section to encourage the development of well-designed office and light industrial uses where such uses are appropriate. The physical design, siting and layout of office and light industrial uses are considered to be essential to ensuring a coherent pattern and appropriate mix of land uses, thereby preserving property values and maintaining the visual and aesthetic environment. Further, properly planned office and light industrial uses will provide area residents with employment opportunities and contribute to the economic vitality of the Town.

B. This district allows for expansion of industrial uses in two existing locations; over 150 acres off Route 9G at the Hyde Park town line, extending east to include Leroy Mountain; and a 39+ acre parcel on Hibernia Road near the Pleasant Valley border as more particularly described in the Town of Clinton Zoning District Map, Chapter 250 Attachment 4. Permitted uses include light industry, offices, office-research, and nonretail commercial functions to increase the district's flexibility, and site plans should encourage higher standards of site design. Because of the proximity of these zones to residential uses and nearby hamlets, restrictions on uses Chapter 250: Zoning Article III: District Regulations 9 that constitute a fire hazard or emit smoke, noise, or dust (Any emission of smoke or particulate matter, from any source, shall comply with all local, state and federal regulations) are enforced and high-quality landscaping and wide buffers are required.

C. The 9G Industrial Center has fully occupied this district. [6]The district retains the most developable section of the existing zone, west of the steep slopes of Leroy Mountain. There is still ample room for expansion of the existing facilities. This is the prime location in the town for larger-scale office and industrial uses because of its direct access to Route 9G.

D. Location. The additional requirements of this section apply to the Office-Light Industry (I) District only, as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter.

E. Standards. (1) Density. Generally, no [7]lot upon which a permitted building or buildings are to be constructed shall be smaller than three (3) acres. However, where a lot in the Office_Light Industrial District meets the minimum lot frontage requirements has direct access on an existing state or county roadway, the minimum acreage required shall be one (1) acre.

(2) Multiple uses. Notwithstanding §250-17A, multiple uses shall be allowed on a lot within the I District. Only those uses specified in the Schedule of Use Regulations shall be permitted.

(3) Setbacks. The setback requirements for buildings shall be as specified in the District Schedule of Area and Bulk Regulations, with the exception that where a lot in the Industrial District abuts a residential lot or a residential

district, a minimum two-hundred-foot (200) setback for all principal and accessory structures and uses from a residential lot boundary or a residential district boundary shall be required. A landscaped buffer in compliance with §250-61, Landscaping, shall be provided within any required two-hundred-foot (200) setback.

(4) All uses in the I District shall comply with the provisions of chapter 250, including, but not limited to: a) Section 250-28, General performance standards. b) Section 250-61, Landscaping. c) Section 250-61A, Lighting. d) Section 250-63, Off-street parking and loading. e) Section 250-70, Signs.

(5) Shared access. In order to reduce the number of access points onto roadways carrying through traffic and thereby improve traffic flow and reduce the risk of accidents, the use of shared accessways and driveways in the I District is strongly encouraged, provided that the accessways are built to Town Chapter 250: Zoning Article III: District Regulations 10 standards. Where two (2) or more lots abut and where the uses or proposed uses of those lots are complementary, all efforts shall be made to provide for common driveways or accessways for access to the lots. Any necessary easement, deed restriction, or other form of legal access guarantee acceptable to the Town's attorney shall be provided to the Planning Board at the time of final approval. Where no use for an adjoining lot currently exists, but where a lot's future use can be reasonably anticipated, the Planning Board may require that an applicant reserve a right-of-way or easement which would ensure the future interconnection of the two lots by means of an accessway or driveway.

(6) Development of land within the I District shall be as set forth in Attachment 2 of this chapter and subject to the minimum lot area requirements of §250-19 of this chapter.

(7) Development of land in the I District shall be subject to the Aquifer Protection Overlay District regulations of §250-15D, and the agricultural protection requirements of §250-51.

(8) Development of land within the I District shall be subject to the regulations of §250-33A, Biodiversity Study Regulations.

§ 250-15. The Ridgeline, Scenic and Historic Protection Overlay District Regulations

A. Purpose. (1) It is the purpose of the overlay district to protect the aesthetic, scenic, and ecological character and nature of higher elevation areas and designated scenic and historic areas. The purpose of the overlay areas is not to regulate the use of land for agriculture. (2) These overlay areas provide standards for regulating the number, height, design, placement, and impacts of structures (1) on lands which are five hundred (500) feet or more above sea level, and (2) in designated scenic and historic areas, in order to minimize structural intrusions upon the visual landscape, preserve ecological integrity, and maintain the rural character of the Town. (3) These standards shall be applied in addition to all other provisions of this chapter.

B. Location. The Ridgeline, Scenic, and Historic Protection Overlay District is comprised of: (1) Lands which are five hundred (500) or more feet above mean sea level. These lands are shown on an overlay to the Town of Clinton Zoning Map, as more particularly described in the Town of Clinton Ridgeline Protection Area Map, Chapter 250 Attachment 6. Chapter 250: Zoning Article III: District Regulations 11 (2) Lands which are within two thousand (2,000) feet of the outside paved surface from the Taconic State Parkway. Lands within the two-thousand-foot corridor are shown on an overlay to the Town of Clinton Zoning Map. (3) Clinton's hamlets, which are included on the Town Zoning District Map. (4) Clinton's seven (7) Critical Environmental Areas.

C. Applicability. The Regulations contained in this section apply to all commercial uses in the overlay district and to those residential uses which, according to Article III of this chapter, require a special use permit and site plan. Single-family residences and agricultural uses are excluded from review under this section. In addition, these regulations do not apply to amateur radio, noncommercial or governmental communications facilities installed for personal wireless communication or emergency service. These facilities are governed by §250-43, Noncommercial communications antennas or towers.

D. General provisions. (1) SEQRA. Any proposed new construction or development Protection Overlay District that requires a variance from the regulations in this chapter shall be a Type I action under SEQRA. (2) Applications. Application for development within this area requires a special use permit, as outlined in Subsection (E)(11) herein. The application procedures for special use permits for development in Ridgeline, Scenic, and Historic Protection Overlay District, shall be in addition to and shall supplement the procedures and requirements of §250-97, Special use permits.

E. Standards. In considering its decision concerning any project development plan application, the Planning Board shall consider the standards detailed in all other sections of this chapter as well as the following:

(1) Height. a) The total height of any structure or accessory elements attached to any structure shall be measured from the natural ground level to the top of the proposed structure or the top of uppermost accessory affixed to the proposed structure, whichever is higher. b) The total height of proposed structures shall not extend more than thirty-five (35) feet above ground level in cleared areas having up to twenty (20) trees (at 4' height having at least 6" in diameter) within one hundred (100) feet of the proposed site. c) If there are twenty (20) or more trees within one hundred (100) feet surrounding the proposed structure, the total height of the proposed structure shall be limited to twenty-five (25) feet above the average tree canopy Chapter 250: Zoning Article III: District Regulations 12 d) Structures shall comply with other height provisions of this chapter if they are more restrictive. Constructed structures shall not differ more than twenty (20) feet in any direction from building site locations shown on approved subdivision and/or site plans at the time of building permit application.

(2) Design. As stipulated in §250-96 of this chapter, Planning Board approval shall be required for the design of two-family, and multifamily residential structures and nonresidential structures to ensure that they would be compatible with other buildings and the natural environment in Protection Overlay Areas a) Structures should blend in with natural surroundings. b) Roof surfacing materials should repeat the colors found most commonly in the land and vegetation around the building and should not be excessively reflective. c) The Planning Board may require camouflage of commercial communications facilities in Protection Overlay Areas. d) Hamlets and Critical Environmental Area's should follow the design standards of the Hamlets found in 250-11

(3) Lighting. The location, height, design, arrangement and intensity of outside lighting should minimize glare and should be directed and shaded such that light is not be directed off parcel, and shall meet all other requirements of §250-61.1 of this chapter Commercial communications facilities shall also comply with the lighting requirements of §250-44 of this chapter.

(4) Clearing. In the Ridgeline Protection Overlay Area the maximum area permitted to be ~~Clear Cut~~ CLEAR-CUT shall be no more than seventy-five (75) feet in extent from the outer edge of the primary structure's footprint. During construction and installation of facilities and structures, only the minimum amount of existing vegetation may be cleared. The location of any sewage disposal system footprint which is needed to support the primary structure shall be exempt from the clearing requirement. Existing vegetation within ridgeline areas shall be preserved to the maximum extent practical as determined by the Planning Board. Reasonable attempts shall be made to limit cutting necessary for either construction or the opening of views from the subject site so as to maintain native vegetation as a screen for structures, as seen from public driveways, public roads, parks, and other public areas. This section is not intended to limit forest management in ridgeline areas when practiced in accordance with a certified forestry management plan. Forest management constitutes a beneficial and desirable use of the Town's forest resources and makes vital contributions to the economy, the environment, and aesthetic features of the Town. The tradition of using forest resources for the production of forest products and related commercial activities, for recreation, and for sustenance of wildlife is essential to a favorable quality of life. Chapter 250: Zoning Article III: District Regulations 13

(5) Parking. Parking areas for nonresidential and multifamily residential uses shall be provided with screened parking at the side and/or rear of the structures, provided such an arrangement does not create a significant adverse visual effect as determined by the Planning Board. If parking is provided at the side of structures, at least a ten-foot-wide landscaped area (exclusive of that required for sidewalks or utility easements) shall be provided

between the road right-of-way and the parking lot, to be planted with native shade or ornamental trees and at least a threefoot-high evergreen hedge, wall, or fence. Landscaping, including species type, shall be provided in accordance with §250-61 of this chapter.

(6) Utilities. Electric, telephone, television, and other communication lines servicing new development shall, where practicable as determined by the Planning Board, be installed underground.

(7) Soil erosion. No site plan or subdivision plat shall be approved unless it includes a soil erosion and sediment control plan pursuant to §250-71 of this chapter.

(8) Buffer strip. In the Ridgeline, Scenic and Historic Protection Overlay Area, a buffer strip may, as determined by the Planning Board, be required in order to minimize, to the maximum extent possible, any visual impacts of proposed structures and facilities as follows: a) When required, the buffer should be a minimum of twenty-five (25) feet wide, beginning at the outer edge of the cleared area which surrounds the principal structure. The buffer strip should contain, or be planted with, vegetation of sufficient height and density as determined by the Planning Board in accordance with §250-61 of this chapter, so as to mitigate any adverse visual impacts of the structure. b) The buffer strip should be free of any man-made structures, excluding fences and an access driveway. c) For commercial communications facilities, the requirements of §250-44 of this chapter shall apply.

(9) Setbacks. The proposed yard setbacks from the property line must be no less than two (2) times the height of the proposed structure or the setback requirements in other zoning regulations, whichever are greater.

10) Signs. In addition to other regulations of this chapter pertaining to signs, no signs are permitted which would be visible above the existing tree canopy.

(11) Application procedures for special use permits for development in the Ridgeline, Scenic, and Historic Protection Districts. When applying for a special use permit, the applicant shall follow all procedures and submit all forms, plans, documentation, and fees required by this or any other section of this chapter. In addition to requirements of other sections of this chapter, an applicant shall provide the following: Chapter 250: Zoning Article III: District Regulations 14 a) A completed Part 1 Environmental Assessment Form (Long Form). b) A site plan prepared in accordance with, §250-96 of this chapter. c) A visual analysis, the methodology of which is to be approved by the Planning Board prior to the commencement of this analysis. This may include drawings of the proposed structure(s) overlaid on photographs of the site from various distances and perspectives. d) Identification and reclamation plans of proposed landscaping and buffer screening areas. e) Additional information as may be requested or required by the Planning Board and/or Zoning Administrator.

(12) Alterations. All modifications to a structure or construction of additional structures which were previously approved pursuant to this section, and which require a building permit, shall be subject to site plan review and approval by the Planning Board. Exceptions which conform to Subsection 12(a) and 12(b) below shall not require a new site plan approval but shall require a building permit: a. Increasing the originally approved size of any structure's building footprint by no more than two hundred fifty (250) square feet; and/or b. Increasing the originally approved height of the structure no more than ten (10) feet, so long as the total maximum height restriction is not exceeded.

§ 250-15.1. Very Low-Density Agricultural Residential (AR5) District Regulations

A. Purpose. This is the largest district in the Town, covering most of northern and eastern Clinton as more particularly described in the Town of Clinton Zoning District Map, Chapter 250 Attachment 4. The land is generally characterized by areas of steep slopes, extremely shallow soils with exposed bedrock, or soils with poor permeability. Overall, these soil conditions make siting foundations and septic systems difficult, very often requiring fill even in the best location on the property. Principal uses include agriculture and single-family dwellings and accessory uses at a density compatible with the natural limitations of the land and clustered where

appropriate. The relatively rugged topography in this district makes these areas, for the most part, rural and lightly developed.

B. Applicability. These regulations apply to the Very Low-Density Agricultural Residential (AR5) District as delineated on the Zoning District Map, Town of Clinton, adopted as part of Chapter 250: Zoning Article III: District Regulations 15 this chapter.

C. General. (1) The minimum lot area for any proposed lot within the AR5 District shall be as set forth in Attachment 2 of this chapter and subject to the minimum lot area requirements of §250- 19 of this chapter. (2) Development of land in the AR5 District, that is in the Aquifer Protection Overlay District regulations shall be subject to §250-15D, and the agricultural protection requirements of §250-51. (3) An application for site plan, special use permit, and subdivision approval before the approving agency shall be subject to the regulations of §250-33A, Biodiversity Study Regulations. (4) Any action requiring a site plan, special use permit, or subdivision approval shall conform to erosion and sedimentation control standards as defined in §250-71 of this chapter. (5) Animal wastes. Stockpiling and storage of manure is not permitted unless provision has been made to ensure that leachate and runoff from manure piles do not seep into surface water or ground water.

§ 250-15.2 Low-Density Agricultural Residential (AR3) District Regulations

A. Purpose. This district includes a large portion of the south-central portion of the Town, covering the area around and to the west of Clinton Hollow, primarily to the west of Little Wappinger Creek as more particularly described in the Town of Clinton Zoning District Map, Chapter 250 Attachment 4. Three smaller areas in the northern portion of the Town are also included in this district—a triangular section along Crum Elbow Creek off Route 9G, a long narrow section east of the Little Wappinger Creek between Schultzville and Bulls Head, and an area centered around the intersection of Nine Partners Road and Pumpkin Lane. Since moderately deep soils are generally prevalent in these areas, the land is more conducive to both agriculture and development than most other sections in Clinton. Uses include continued agricultural uses and low-density residential development, with clustering and other land conservation techniques encouraged to protect sensitive natural resources, open space, and farm soils. Chapter 250: Zoning Article III: District Regulations 16

B. Applicability. These regulations apply to the Low-Density Agricultural Residential (AR3) District as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter.

C. General. (1) The minimum lot area for any proposed lot within the AR3 District shall be as set forth in Attachment 2 of this chapter and subject to the minimum lot area requirements of §250- 19 of this chapter. (2) Development of land in the AR3 District which is within the Aquifer Protection Overlay District shall be subject to regulations of §250-15D, and the agricultural protection requirements of §250-51. a) An application for site plan, special use permit, and subdivision approval before the approving agency shall be subject to the regulations of §250-33A, Biodiversity Study Regulations. b) Any action requiring a site plan, special use permit, or subdivision approval shall conform to erosion and sedimentation control standards as defined in §250-71 of this chapter. c) Animal wastes. Stockpiling and storage of manure is not permitted unless provision has been made to ensure that leachate and runoff from manure piles do not seep into surface water or ground water.

§ 250-15.3. Floodplain (F) Overlay District Regulations

A. Purpose. It is the purpose of this section to restrict development within the identified flood plains and flood hazard areas to those uses that are compatible with periodic natural flooding and that may benefit from such flooding without impeding flood water flows or adversely affecting downstream properties. For instance, all three town parks in Clinton are located along and contain a floodplain. Floodplains are typically the skeletal framework of larger open space networks that can provide for trail systems and other recreational opportunities. Chapter 250: Zoning Article III: District Regulations 17

B. The Floodplain Overlay District contains the low-lying areas and major stream corridors defined on the Federal Emergency Management Agency's maps as 100-year floodplains. This district primarily follows the banks of the Crum Elbow, Little Wappinger, and Wappinger creeks. Three major wetland areas in southwest Clinton, the tributary of Wappinger Creek extending north into Clinton Corners, and the area around Mud Pond are also within this district. In contrast to the scattered state-regulated and smaller wetlands in Clinton, the 100- year floodplains form continuous corridors of green space.

C. Location. The requirements of this section apply to the Floodplain (F) Overlay District only, as more particularly described in the Town of Clinton Zoning District Map, Chapter 250 Attachment 4 as delineated on the Zoning District Map, Town of Clinton, adopted as part of this chapter. ~~D. General.~~

(1) Uses. Uses in the F Overlay District shall be limited to agriculture, forestry, recreation, and other uses that would be minimally affected by high water as more fully set forth in Attachment 1, Schedule of Uses of this Chapter.

(2) The minimum lot area for any proposed lot within the underlying Zoning District shall be as set forth in Attachment 2 of this chapter and subject to the minimum lot area requirements of §250-19 of this chapter.

(3) Development of land in the F Overlay District and within the Aquifer Protection Overlay District, shall be subject to regulations of §250-15D, and the agricultural protection requirements of §250-51.

(4) An application for site plan, special use permit, and subdivision approval before the approving agency shall be subject to the regulations of §250-33A, Biodiversity Study Regulations.

(5) Any action requiring a site plan, special use permit, or subdivision approval shall conform to erosion and sedimentation control standards as defined in §250-71 of this chapter.

(6) All new uses in the F Overlay District shall comply with the provisions of this chapter, including, but not limited to: a) Section 250-28, General performance standards. b) Section 250-61, Landscaping. c) Section 250-61A, Lighting. d) Section 250-63, Off-street parking and loading. Chapter 250: Zoning Article III: District Regulations 18 e) Section 250-70, Signs.

(7) Animal wastes. Stockpiling and storage of manure is not permitted unless provision has been made to ensure that leachate and runoff from manure piles do not seep into surface water or ground water. This provision shall not apply to agricultural uses by Farm Operations.

§250-15.4 Aquifer Protection Overlay (APO) District Regulations

A. Findings and purpose. The Town of Clinton finds that protection of groundwater is essential to promoting the health, safety, and welfare of the Town. The purpose of this Aquifer Protection Overlay (APO) District is to protect, preserve, and maintain the quality and quantity of the groundwater resources that the Town depends upon for its present and future public water supply, and for numerous private wells in the Town of Clinton.

B. Definition of district. The APO District consists of aquifers and aquifer recharge areas shown on the Aquifer Protection Overlay District Map of the Town of Clinton. The Aquifer Protection Overlay District Map is an approximate delineation of the boundaries of unconsolidated sand and gravel deposits, recharge areas with sand and gravel at the surface, and probable high-yield bedrock well locations. A landowner may challenge the inclusion of land in the APO District by presenting expert evidence provided by a qualified professional based upon on-site investigation. Where such evidence shows, to the Planning Board's satisfaction, that groundwater on the property is not part of such aquifers and aquifer recharge areas, the regulations of this section shall not apply, provided an adjustment of the boundaries of the district shall be made on the official Zoning Map. The regulations of this subsection shall not apply to any of the land in the Town until such time as the Aquifer Protection Overlay District Map has been adopted as part of the Zoning Map series described in §250-4 of this chapter. [8]

C. Use restrictions. The following use restrictions and requirements shall apply to all land in the APO District. These use restrictions are not intended to supersede the New York State Agriculture and Markets Law or the New York State Environmental Conservation Law governing acceptable agricultural practices. Chapter 250: Zoning Article III: District Regulations 19

(1) Disposal wells. The installation or use of disposal wells is prohibited.

(2) Infiltration basins. The installation or use of storm water runoff infiltration basins shall be in accordance with an approved Storm Water Pollution Protection Plan (SWPPP) to ensure that surface water quality flowing into the infiltration basin is of sufficient quality that groundwater quality is protected.

(3) Snow disposal. The stockpiling or dumping of snow which has been transported from another property within the APO District is prohibited.

(4) Animal wastes. Stockpiling and storage of manure is not permitted unless provision has been made to ensure that leachate and runoff from manure piles do not seep into surface water or ground water. This provision shall not apply to agricultural uses by Farm Operations.

(5) Toxic, hazardous, and radioactive substances. No toxic, hazardous, or radioactive substance, as those terms are defined by the United States Environmental Protection Agency or the New York State Department of Environmental Conservation, shall be stored, kept, or maintained except under a permit issued by those agencies, if required.

(6) Wastewater lagoons and pits. The installation of wastewater lagoons and pits for temporary or permanent storage or disposal of wastewater is prohibited.

(7) Disposal. Disposal of toxic, hazardous, or radioactive substances, or industrial sludge is prohibited.

(8) Agricultural chemical storage. The installation of underground storage tanks or vaults for the storage of fertilizers, herbicides, pesticides, fungicides, insecticides, and defoliant (collectively "agricultural chemical(s)") for agricultural or commercial use is prohibited. Once removed, any underground storage tank shall not be reinstalled underground, and any replacement tank shall not be installed underground.

(9) Petroleum storage. The new installation of underground storage tanks or vaults for the storage of gasoline, heating oil, diesel oil, kerosene, and motor oil, is prohibited. Once removed, any underground storage tank shall not be reinstalled underground, and any replacement tank shall not be installed underground.

(10) Salt and coal stockpiles. The storage of salt or coal is prohibited except in a completely enclosed building or structure, which shall be designed and constructed so as to prevent any seepage or runoff containing such materials from entering surface water or ground water. Chapter 250: Zoning Article III: District Regulations 20

(11) Water wells. All water supply wells shall be constructed in accordance with the requirements of the Dutchess County Department of Health.

(12) Abandoned wells. All abandoned wells shall be sealed in accordance with the requirements of the Dutchess County Department of Health.