TOWN OF GREENWICH, NY

LOCAL LAW NO. 2 OF 2025 ZONING CODE AMENDMENTS LAW

LOCAL LAW TO AMEND TOWN OF GREENWICH ZONING LAW

SECTION 1: TITLE.

This local law shall be cited as Local Law No. 2 of 2025 of the Town of Greenwich and entitled "2025 Zoning Code Amendments."

SECTION 2: LEGISLATIVE INTENT AND PURPOSE.

This local law amends Chapter 190 of the Town Code to provide comprehensive updates to the Town's Zoning Code. It is the intent and purpose of this local law to modernize and refine the Town's zoning regulations to better serve the needs of the community while promoting sustainable development practices. The amendments address various aspects of the zoning code, including:

1. Updating definitions to clarify and expand upon existing terms, as well as introducing new definitions to accommodate evolving land uses and development practices.
2. Modifying use regulations in various districts to better reflect current and anticipated community needs.
3. Revising area requirements to promote more efficient land use while maintaining the character of different zoning districts.
4. Enhancing design standards, particularly in areas such as pedestrian circulation, parking lot design, landscaping, and lighting, to improve the aesthetic and functional qualities of development within the Town.
5. Updating supplementary regulations to address specific issues such as junk vehicles, fences, and walls.
6. Refining regulations related to nonconforming uses, structures, and lots to provide clearer guidance on permitted changes and improvements.
7. Revising parking requirements to better align with current best practices and to encourage more sustainable transportation options.

These amendments are necessary and desirable to protect public health, safety, and welfare, promote environmental stewardship, foster economic development, and enhance the overall quality of life in the Town of Greenwich. The updated zoning code aims to provide a regulatory framework that is more responsive to current and future community needs while preserving the Town's unique character and natural resources.

SECTION 3: AUTHORITY

The Zoning Code of the Town of Greenwich is enacted by the Town Council of the Town of Greenwich pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10 and implements authority provided to New York State towns pursuant to Article 16 § 261 of New York State Town Law.

SECTION 4: DEFINITIONS

Article II Definitions and Word Usage, § 190-5 of the Zoning Code entitled "Definitions" is hereby amended as follows:

A. Deletion of Existing Definitions. The following definitions are hereby deleted in their entirety:

IN-LAW APARTMENT
A single dwelling unit contained within and accessory to a single-family detached structure or located within the unattached garage of a single dwelling unit.

B. Amendment of Existing Definitions. The following existing definitions are hereby amended to read as follows:

AUTOMOTIVE SALES AND SERVICE
The use of land or buildings primarily for the display and sale of new or used motor vehicles, and which may include repair or service facilities.

CONTRACTORS YARD
A lot or portion of a lot or parcel used to store and maintain construction and/or landscaping equipment and other materials and facilities customarily required in the land development trade by a construction or landscaping contractor.

GAS STATION
A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the consumer and where automotive repairs may be made and automobiles may be washed. This definition includes the repair, painting, cleaning and detailing of automobile bodies.

HOUSE, MULTIFAMILY
A building designed for occupancy by five or more families, with the number of families in residence not exceeding the number of dwelling units provided. A multi-family housing project in the Rural Agricultural zone shall not exceed a total of eight dwelling units.

HOUSE, TWO-FAMILY
A detached building containing two entirely separate dwelling units that are structurally connected and designed for occupancy by two families. Two-family dwellings may include remodeled single-family dwellings, row houses or other similar buildings.

INDUSTRY, HEAVY
An establishment that involves basic processing and manufacturing of materials or products predominantly from extracted or raw materials, and which may involve the exterior storage of raw materials or finished products. Retail sales of finished products are allowed.

INDUSTRY, LIGHT

The manufacture or assembly, packing, storage, and/or distribution of products from finished products or parts which does not involve the exterior storage of raw materials and which does not involve the large-scale transformation of raw materials into finished products. Retail sales of finished products are allowed. This use includes the small-scale production of artisan and/or custom products and research and development facilities.

PRIVATE UTILITY BUILDING, USE OR SERVICE
A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other private utility service, excluding nuclear power. However, the use of small-scale utility generation facilities for personal use, such as solar or wind energy, is exempted from regulation by this chapter.

PUBLIC UTILITY BUILDING, USE OR SERVICE
A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other public utility service, excluding nuclear power.

TELECOMMUNICATIONS TOWER
Any structure (whether temporary or permanent) greater than 35 feet in height which is capable of receiving and/or transmitting signals (for the purposes of communications). Antennae for personal communication devices such as ham radio are not considered telecommunications towers.

C. Addition of New Definitions. New definitions are hereby added, in alphabetical order, to read as follows:

ACCESSORY DWELLING UNIT
An accessory structure used as a residential living unit on the same parcel on which a single-family dwelling is present or may be constructed. It provides complete independent living facilities for one or more people and may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

ANTENNA
A system of electrical conductors that transmit or receive electromagnetic waves, electronic data, or radio frequency, or other wireless signals. Such shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications, and services not licensed by the FCC, but shall not include those antennas expressly exempt from the Town's siting, building, and permitting authority.

ANSI
American National Standards Institute

BATTERY(IES)
A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM
An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM
One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area used exclusively to support agricultural uses.

CANNABIS FACILITY
A cannabis retail dispensary, cannabis cultivation facility, cannabis nursery, cannabis processing facility, on-site cannabis consumption facility, or a cannabis microbusiness, operating pursuant to the New York State Marihuana Regulation and Taxation Act, as these terms are defined below.

A. CANNABIS CULTIVATION FACILITY
A facility that may include, but is not limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying, curing, grading, and trimming cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

B. CANNABIS MICROBUSINESS
A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act and which includes two or more of the following activities in one facility: cultivation, processing, distribution, delivery, and retail sales.

C. CANNABIS NUSERY
A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cannabis cultivators, microbusinesses, cooperatives, and registered organizations for commercial use or sale.

D. CANNABIS PROCESSING FACILITY
A cannabis facility that may include, but is not limited to, blending, extracting, infusing, packaging, labeling, branding and otherwise making or preparing cannabis products requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

E. CANNABIS RETAIL DISPENSARY

A retail facility for the sale of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

F. CANNABIS ON-SITE CONSUMPTION FACILITY
A facility for the on-site consumption of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

CAR WASH
Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets, either as a principal use or as an accessory use to a gas station.

CELL
The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING
A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

CRAFT BEVERAGE AND FOOD PRODUCTION FACILITY
An establishment engaged in the small-scale production of beer, wine, spirits, and/or food products. The facility may include accessory uses such as tasting rooms, retail sales of products manufactured on-site, tours of the production facility, food service, and private events.

DEDICATED-USE BUILDING
A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
    a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
    b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE
The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

HOUSE, 3-4 UNIT MULTIFAMILY
A building designed as a single structure, containing three or four dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

MOTOR VEHICLE REPAIR SHOP
A facility wherein motor vehicles, including but not limited to, their mechanical systems, electrical systems, and body structure, are repaired or enhanced. This use includes automotive painting conducted in conjunction with the repair work. Motor vehicle includes, but is not limited to, motorcycle, recreational vehicle, boat, tractor trailer, or other similar motorized apparatus.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)
A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NATIVE PLANT
Indigenous plant species that originated and occurs naturally in the northeastern U.S.

NEC
National Electric Code.

NFPA
National Fire Protection Association.

NON-DEDICATED-USE BUILDING
All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY
Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE
Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING

Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY
A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

REASEARCH AND DEVELOPMENT FACILITY
An establishment engaged in scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products, including laboratory testing, in advance of full-scale manufacturing of final products. This may include the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than for sale or distribution.

RETAIL SALES, OUTDOOR
The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires and motor oil; food and beverages; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

SAWMILL
A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

STRUCTURE, TEMPORARY
A structure with or without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Such structures shall include but are not limited to tents, portable bandstands, bleachers, reviewing stands, or construction office trailer.

UNIFORM CODE
The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

WIND POWER SYSTEM, COMMERCIAL
A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WIND POWER SYSTEM, NONCOMMERCIAL

An accessory structure consisting of the blades and associated mechanical and electrical conversion components mounted on top of a tower or roof, whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity for the primary purpose of on-site use and not for resale.

WIND POWER SYSTEM TOWER
The monopole or guyed monopole structure that supports a wind generator.

SECTION 5: ZONING DISTRICTS

Article III Zoning Districts; Zoning Map; District Boundaries; Use and Area Regulations, § 190-6 of the Zoning Code entitled "Establishment of zoning districts" is hereby amended as follows:

D. Commercial Mixed-Use District (CD). The purpose of the Commercial Mixed-Use District is to provide for high-density commercial development along Route 29 and adjacent to the Village of Greenwich. This district encompasses and expands the Town's historic commercial core. Design guidelines associated with this district are intended to provide for the long-term transformation of the commercial district into a pedestrian-friendly, Village-scale area for living, shopping and working.

SECTION 6: ZONING MAP

Article III Zoning Districts; Zoning Map; District Boundaries; Use and Area Regulations, § 190-7 of the Zoning Code entitled "Establishment of Zoning Map" is hereby amended as follows:

As part of this zoning amendment, the existing "190 Attachment 8 Town of Greenwich Zoning Map" is hereby repealed in its entirety and replaced with a revised 190 Attachment 8 Town of Greenwich Zoning Map, which is attached hereto and made part of this Zoning Law.

SECTION 7: USE & AREA REGULATIONS

Article III Zoning Districts; Zoning Map; District Boundaries; Use and Area Regulations, § 190-9 of the Zoning Code entitled "District use and area regulations" is hereby amended as follows:

As part of this zoning amendment, existing "190 Attachment 1, Town of Greenwich Table 1 Use Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 1, Town of Greenwich Table 1 Use Regulations, which is attached hereto and made part of this Zoning Law.

As part of this zoning amendment, existing "190 Attachment 2, Town of Greenwich Table 2A Area Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 2, Town of Greenwich Table 2A Area Regulations, which is attached hereto and made part of this Zoning Law.

As part of this zoning amendment, existing "190 Attachment 3, Town of Greenwich Table 2B Area Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 3, Town of Greenwich Table 2B Area Regulations, which is attached hereto and made part of this Zoning Law.

As part of this zoning amendment, existing "190 Attachment 4, Town of Greenwich Table 2C Area Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 4, Town of Greenwich Table 2C Area Regulations, which is attached hereto and made part of this Zoning Law.

As part of this zoning amendment, existing "190 Attachment 5, Town of Greenwich Table 2D Area Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 5, Town of Greenwich Table 2D Area Regulations, which is attached hereto and made part of this Zoning Law.

As part of this zoning amendment, existing "190 Attachment 6, Town of Greenwich Table 2E Area Regulations," is hereby repealed in its entirety and replaced with a revised 190 Attachment 6, Town of Greenwich Table 2E Area Regulations, which is attached hereto and made part of this Zoning Law.

SECTION 8: SITE PLAN REVIEW

Article IV Site Plan Review, § 190-11 of the Zoning Code entitled "Applicability" is hereby amended as follows:

Site plan review shall be required for any use listed in Table 1 as requiring site plan review, including any change in an existing use or to construct, improve, exterior remodel, renovate, demolish or convert any building or structure listed as requiring site plan review in Table 1, or for any amendment to an approved site plan, or for any land clearing exceeding any threshold established in § 190-65, or for replacement of a nonconforming structure of a larger size on the same footprint of an existing nonconforming structure pursuant to § 190-74, except that the following activities shall be exempt from site plan review:

SECTION 9: SPECIAL USE PERMITS

Article V Special Use Permits, § 190-36 of the Zoning Code entitled "Property transfer or change of ownership. Expansion or alteration" is hereby amended as follows:

§ 190-36 Change of use and expansion.
A special use permit shall apply to the use for which it has been granted, as well as to any subsequent use of the property which complies with all terms and conditions of the special use permit (as determined by the Code Enforcement Officer in issuing a certificate of compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. A new special use permit shall be required for any expansion, alteration or variation of a use already authorized by a special use permit. A request for such a permit shall be subject to the application and review procedures described in this article.

SECTION 10: TRAFFIC AND ON-SITE CIRCULATION

Article VI Design Standards, § 190-40 of the Zoning Code entitled "Traffic and on-site circulation" is hereby amended as follows:

B. Pedestrian circulation systems.

(1) Where deemed appropriate, sidewalks may be required by the Planning Board. Sidewalks shall generally be required to link commercial and multifamily residential uses in the Commercial Mixed-Use and Hamlet/Mixed-Use Districts.

(2) Development proposals shall incorporate sidewalks and pedestrian pathways that, to the maximum extent practicable, comply with Americans with Disabilities Act standards.

(3) Sidewalks shall be concrete unless otherwise specified. Sidewalk materials must be durable and resistant to breakage, deterioration, or corrosion resulting from snow removal equipment and solvents.

(4) At the discretion of the Planning Board, sidewalks shall be constructed and placed parallel to the roadway(s) for such cases, a separation distance of five feet shall be maintained between the roadway and the sidewalk wherever possible.

(5) Continuous internal pedestrian walkways or sidewalks, no less than five feet in width, shall be provided from the public sidewalk or ROW to the principal customer entrance of all commercial buildings on the site. Curbed walkways are preferred.

6) Walkways shall be clearly identified within parking areas and for public roadway crossings with striping as necessary. Parking lots shall have one paved pedestrian walkway to each street frontage sidewalk and to the principal customer entrance of all commercial buildings on the site.

(7) In order to maximize pedestrian access to and from adjacent sites, the Planning Board shall encourage interconnection of sidewalks and pathways. All internal walkways, sidewalks and crosswalks shall be distinguished from vehicular surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, stamped concrete, scored concrete or properly maintained surface treatment to enhance pedestrian safety as well as the attractiveness of the walkway or sidewalk.

SECTION 11: PARKING

Article VI Design Standards, § 190-42 of the Zoning Code entitled "Parking" is hereby amended as follows:

§ 190-42 Parking.

B. Maximum standard. Where two or more different uses occur on a single lot, the total maximum amount of parking may be reduced by a specific finding of the Planning Board. Shared parking areas serving two or more uses are encouraged and may be required.

J. Landscaping and screening.

(1) In parking areas over 20 spaces at least 10% of the interior parking area shall be landscaped and screened from roadways and adjacent properties by a wall, fence, thick hedge or berm consisting of both shade trees and shrub plantings. Such screening should not be less than three nor more than eight feet in height. Such planting and fencing shall be designed and installed in a manner consistent with the standards set forth in § 190-43, Landscaping. The following guidelines shall apply to parking lot landscaping:

> (a) One tree is required for every 40 linear feet of parking lot landscaping when the parking lot faces an adjacent property or right-of-way.

(b) Parking lot islands shall have a minimum width of nine feet.

(c) Trees in parking lots shall have a minimum caliper of two inches.

(d) Parking areas of more than 50 spaces, or in other cases as deemed appropriate by the Planning Board, should be segmented with the use of landscaped islands or medians that are at least 10 feet in width.

(e) Walls, fencing, and architectural details in parking areas should complement the materials used in adjacent architectural styles.

O. Off-street parking requirements. The minimum number of off-street parking spaces provided shall be as provided in Table 3.[1]
[1] Editor's Note: Table 3 ***is included at the end of this chapter.***

(1) The Planning Board shall have the authority to waive, in whole or in part, the minimum off-street parking requirements set forth in Table 3, provided that The Planning Board finds that the reduced parking will not result in any adverse impacts on the surrounding neighborhood or compromise public safety.
(2) In considering a request for a waiver of minimum parking requirements, the Planning Board shall take into account the following factors:
    (a) The availability of on-street parking or public parking facilities in the vicinity of the use.
    (b) The potential for shared parking arrangements with nearby uses.
    (c) Any characteristics of the use or its location that may result in a lower parking demand than typically associated with similar uses.
(3) In the Commercial District off-street parking areas of 6 or more spaces shall be located in the side or rear yard.
    (a) The Planning Board shall have the authority to waive the side or rear yard parking requirement provided that the applicant submits a written request for a waiver, including a justification for the front yard parking.

As part of this zoning amendment, the existing "190 Attachment 7 Town of Greenwich Table 3 Parking Requirements" is hereby repealed in its entirety and replaced with a revised 190 Attachment 8 Town of Greenwich Table 3 Parking Requirements, which is attached hereto and made part of this Zoning Law.

SECTION 12: LANDSCAPING

Article VI Design Standards, § 190-43 of the Zoning Code entitled "Landscaping" is hereby amended as follows:

§ 190-43 Landscaping.

A. General. All portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with the planting of trees and shrubbery. Landscaping shall minimize erosion and stormwater runoff, reinforce pedestrian circulation routes, provide necessary buffering and generally seek to blend the proposed use with the character of the Town. Street trees and planting patterns should be used to provide sufficient shading and an aesthetically pleasing environment for

pedestrians, reduce impervious surfaces, and provide screening between dissimilar or incompatible uses.

B. Landscaping standards.

(2) Plantings shall include plant selection suitable for the specific site. Native plant species shall be included in the plan whenever possible.

(3) Healthy trees with diameters of 6 inches or greater measured at chest height shall be marked on the plan, for the developed area only, and preserved to the extent possible. All such trees to be saved should be noted on the site plans, and appropriate measures should be outlined to protect the trees from damage during construction.

(8) No plant material may be installed that is listed by the New York Invasive Species Council as an invasive plant species, defined by New York State statute to be any species that is non-native to the ecosystem under consideration, whose introduction causes or is likely to cause economic or environmental harm or harm to human health, and whose harm significantly outweighs any benefits.

(9) If trees are to be planted under power lines, specific varieties should be selected which do not exceed the height of the lowest line when full grown. Refer to F. Preferred Plant List

(10) A mix of deciduous and evergreen trees and shrubs is encouraged.

D. Street trees and landscape buffers. Street trees and landscape buffers may be required along roadways to complement the architectural character of the site and assist in clearly demarcating pedestrian and vehicular access points to the site. Plant locations and sizes shall be indicated on the plans and meet the following standards:

(1) Plantings shall be comprised of a mixture of deciduous, evergreen and perennial plant material of varying heights.

(2) If the street trees and/or landscape buffer is in a commercial area with pedestrian sidewalks, deciduous street trees having a minimum caliper of 2.5 to 3.0 inches shall be planted at a minimum spacing of 10 feet on center.

F. Preferred Plant List. Plant species shall be selected from the following list of species unless a substitution is approved by the Planning Board:

SHADE TREES			
Require a large tree lawn or tree pit at least 10 ft wide; do not plant under overhead utility lines			
Scientific Name	Common Name	Cultivar	Native Plant

Acer x freemannii	Freeman Maple	hybrid; Autumn Blaze	N
Acer rubrum	Red Maple	species; Karpick	Y
Celtis occidentalis	Hackberry	species; Magnifica	Y
Nyssa sylvatica	Black Tupelo	species	Y
Gleditsia triacanthos inermis	Thornless Honeylocust	Shademaster, Skyline	N
Gymnocladus dioicus	Kentucky Coffeetree	male cultivars only; Espresso	N
Nyssa sylvatica	Blackgum	species; Firestarter	Y
Platanus occidentalis	Eastern Sycamore	species	Y
Tilia americana	American Basswood	species; Redmond, Boulevard	Y
Quercus alba	White Oak	species	Y
Quercus bicolor	Swamp White Oak	species; American Dream	Y
Quercus muehlenbergii	Yellow Oak	species	Y
Quercus rubra	Northern Red Oak	species	Y
SMALL TREES			
Acceptable to plant under overhead utility lines; suitable in small tree lawns or tree pits			
Scientific Name	Common Name	Cultivar	Native Plant
Amelanchier canadensis	Shadblow Serviceberry	species	Y
Amelanchier laevis	Allegheny Serviceberry	species; Snow Cloud, Spring Flurry	Y
Cornus florida	Flowering Dogwood	species	Y
Cornus mas	Cornelian Cherry Dogwood	species	N
Malus spp.	Flowering Crabapple	cultivars;Red Baron, Red Jewel	N
Ostrya virgninana	Hop Hornbeam	species	Y
Staphylea trifolia	Bladdernut	species	Y
Syringa reticulata	Japanese tree Lilac	species; Ivory Silk	N
Tilia cordata 'Halka'	Summer Sprite Linden	cultivar	N
Viburnum lentago	Nannyberry	species	Y
-	-	-	-
EVERGREEN TREES			
Scientific Name	Common Name	Cultivar	Native Plant
Juniperus virginiana	Eastern Red Cedar	species; Brodie	Y
Picea glauca	White Spruce	species; Black Hills	Y
Picea mariana	Black Spruce	species	Y
Picea omorika	Serbian Spruce	species	N
Pinus strobus	White Pine	species	Y
Thuja occidentalis	Northern White Cedar	species; Green Giant, Nigra	Y
Tsuga canadensis	Eastern Hemlock	species	Y

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SHRUBS			
Scientific Name	Common Name	Cultivar	Native Plant
Aronia arbutifolia	Red Chokeberry	species; culitvars	Y
Aronia melanocarpa	Black Chokeberry	species; culitvars	Y
Clethra alnifolia	Summersweet	species; culitvars	Y
Diervilla lonicera	Northern Bush Honeysuckle	species; culitvars	Y
Ilex verticillata	Winterberry	species; cultivars	Y
Juniperus horizontalis	Creeping Juniper	culitvars	Y
Juniperus virginiana 'Grey Owl'	Grey Owl Juniper	culitvars	Y
Hamamelis virginiana	Witchazel	species	Y
Kalmia latifolia	Mountain Laurel	species	Y
Lindera benzoin	Spicebush	species	Y
Physocarpus opulifolius	Ninebark	species; cultivars	Y
Picea mariana 'Nana'	Dwarf Black Spruce	cultivars	Y
Rhododendron maximum	Rosebay	species	Y
Rhus aromatica	Fragrant Sumac	species; Gro-Low	Y
Viburnum dentatum	Arrowwood	species; cultivars	Y
Viburnum opulus	Highbush Cranberry	species; cultivars	Y
Taxus canadensis	Canada Yew	species	Y

G. Plant materials shall be selected and placed to avoid blocking sight lines at intersections and curb cuts.

SECTION 11: ARCHITECTURAL DESIGN STANDARDS

Article VI, § 190-50 of the Zoning Code entitled "Architectural design standards" is hereby amended as follows:

C. Covered activities.

(1) These architectural design standards shall apply to the following buildings, structures or uses exceeding 1,500 square feet or any addition to such structures exceeding 1,500 square feet in the Commercial Mixed-Use and Hamlet/Mixed-Use Districts:

(2) In addition, these standards, as may be modified by the Planning Board, shall apply to the following uses in the Rural Agricultural District:

(a) Cultural building/use.
(b) Educational building/use.

(c) Funeral home.
(d) Hospital/medical building/use.
(e) Motel/hotel/inn.
(f) Municipal building/use/service.
(g) Office.
(h) Religious building/use.
(i) Restaurant.
(j) Retail use.
(k) Multifamily house

SECTION 13: SIGNS

Article VIII Signs, § 190-61 of the Zoning Code entitled "Findings; purpose; size and type restriction; permit; violations" is hereby amended as follows:

J. Nonconforming signs. A nonconforming sign is a sign which is in conflict with the provisions of this article. No alterations to any off-site commercial sign in excess of 65 square feet shall be allowed other than normal maintenance, and should such sign be removed then no sign prohibited by this article shall be permitted at that site.

SECTION 14: ACCESSORY STRUCTURES

Article IX Supplementary Regulations, § 190-68 of the Zoning Code entitled "Accessory structures" is hereby amended as follows:

Accessory structures less than 120 square feet in size do not need to comply with the setback standards of this chapter. Accessory structures greater than 120 square feet in size, including all accessory dwellings, must comply with the setback standards of this chapter. If the principal building or use to which the structure is accessory would require site plan review or a special use permit under this chapter, then the accessory structure requires such review.

SECTION 15: SUBDIVISION STANDARDS

Article IX Supplementary Regulations, § 190-71 of the Zoning Code entitled "Subdivision standards" is hereby amended as follows:

A. In order to limit impacts to schools and community services, no more than five building permits may be issued per year for any individual subdivision. The Planning Board, may, at the time of final approval, designate a mechanism for assignment of building permits within a subdivision. Projects proposed in the Commercial Mixed-Use District are exempt from limit on building permits per year.

SECTION 16: JUNK VEHICLES, TRAILERS AND STORAGE CONTAINERS

Article IX Supplementary Regulations, § 190-73.1 of the Zoning Code entitled "Junk vehicles, trailers and storage containers" is hereby amended as follows:

The keeping of more than five junk vehicles or more than 10 trailers or storage containers on a property shall require a special use permit pursuant to Article V of this chapter and shall comply with Title 19 NYCRR Chapter CCCIII Part 1226, Property Maintenance, Section 302.8, Motor vehicles.

SECTION 17: SOLAR ENERGY SYSTEMS

Article IX Supplementary Regulations, § 190-73.3 of the Zoning Code entitled "Solar energy systems" is hereby amended as follows:

A. General requirements.
   (1) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire and Building Code, as well as may be required by the Public Service Commission regulations.
   (2) A building permit shall be required for installation of all solar energy systems.
   (3) Solar energy systems are prohibited within floodplains.

B. Solar as an accessory use or structure.

C. Approval standards for large-scale solar systems as a special use.
   1. No more than 20% of a large-scale solar system, and the access roads and infrastructure related thereto, may be underlain by prime farmland, farmland of local importance, farmland of statewide importance, or farmland of unique importance as classified by the USDA.
   2. No solar array shall be installed until evidence has been provided to the Code Enforcement Officer that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
   3. All on-site utility and transmission lines are, to the extent feasible, placed underground.
   4. The system shall be designed and situated to be compatible with the existing uses on adjacent and nearby properties.
   5. Lighting shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting shall be directed downwards unless determined infeasible by the Planning Board and shall incorporate full cut-off fixtures to reduce light pollution.
   6. Visual impacts shall be minimized by preserving natural vegetation, screening abutting properties and roadways and other means as determined necessary by the Planning Board.
   7. The Planning Board may, at its discretion, require that the facility be enclosed by fencing to prevent unauthorized access. The type of fencing, if required, will be determined by the Planning Board. If fencing is required, that shall be a 6-inch gap at the bottom for wildlife.
   8. Signage shall be provided warning against unauthorized access and providing the owner's contact information.

      (a) The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

D. Decommissioning. To ensure the proper removal of large-scale solar energy systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The decommissioning

plan must specify that after the large-scale solar energy system can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan. The decommissioning plan shall include the following:

(1) Provisions describing the triggering events for decommissioning of the solar energy system.
(2) Provisions for the removal of structures, foundations, equipment, debris, and cabling, including those below the soil surface.
(3) Provisions for the restoration of the soil and vegetation with native seed mixes and/or plant species suitable to the area, which shall not include any invasive species. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation, backfilling and grading shall be conducted to return the parcel to its original state prior to construction.
(4) Provision for erosion control and stormwater management.
(5) Provisions for removal of debris, waste management and cleanup associated removal of infrastructure.
(6) Provision for the restoration of the site for agricultural crops or forest resource land, as applicable.
(7) Provision for the disposal of all solid and hazardous waste in accordance with all local, state, and federal waste disposal regulations.
(8) Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Town.
(9) A timetable approved by the Planning Board for site restoration.
(10) A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer. Cost estimates shall consider inflation.
(11) Financial assurance. A performance bond or other financial surety suitable to the Town Board shall be assigned to the Town of Greenwich for decommissioning purposes.
(12) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator or any of their successors, assigns, or heirs.
(13) A provision that the Town of Greenwich, its officials, employees, agents, or contractors shall have the right to access the site, pursuant to reasonable notice, to effectuate or complete removal and decommissioning.
(14) Removal of machinery, equipment, tower, and all other materials related to the project is to be completed within one year of decommissioning.
(15) The decommissioning plan shall also include an expected timeline for execution.

E. Site plan application. For a large-scale solar system requiring a special use permit, site plan approval shall be required. Any site plan application include the following information:

(1) Property lines and physical features, including roads, for the project site.
(2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
(3) Stormwater runoff calculations and drainage plan.

(4) The location of all equipment to be installed on site shall be included on this sketch or plan including utility connection point(s) an accessory equipment.

(5) Equipment specification sheets shall be submitted for all photovoltaic panels, significant components, mounting systems, and inverters proposed to be installed.

(6) A plan for the operation and maintenance of the solar array, which shall include measures for maintaining safe access to the installation, measures for managing vegetation growth, and general procedures for operation and maintenance of the system.

(7) A statement provided by the developer, installer or owner detailing potential significant glare onto abutting structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations. Based on this information the Planning Board may require reasonable mitigation. Mitigation may include angle of panels, details on the anti-reflective nature of the panel coating or any additional specific screening to eliminate resulting impacts.

(8) Agricultural Impact Assessment and Agrivoltaic Integration Plan. The applicant shall submit an assessment prepared by a qualified agricultural professional that includes:
(a) A detailed soil survey identifying Prime Farmland, Farmland of Statewide Importance, and actively farmed areas within the project site;
(b) Documentation of current and historical agricultural uses of the property for the past five (5) years;
(c) Analysis of the project's temporary and permanent impacts on agricultural resources; and
(d) Evaluation of soil characteristics relevant to agricultural productivity and suitability for agrivoltaic systems.

(9) Agrivoltaic Feasibility Evaluation. The applicant shall provide a comprehensive evaluation of the site's potential for agrivoltaic integration, including:
(a) Assessment of suitable agricultural activities considering: - Panel height, spacing, and configuration - Light penetration and distribution patterns - Available growing space between and under arrays - Access requirements for agricultural equipment - Water management and irrigation potential
(b) Analysis of potential crop types or grazing operations compatible with the proposed solar installation, including: - Growth requirements and characteristics - Expected yields under partial shading conditions - Seasonal considerations - Market potential

(10) Agricultural Management Plan. If agrivoltaic integration is determined to be feasible, the applicant shall submit a detailed management plan including:
(a) Description of proposed agricultural activities and operational procedures;
(b) Timeline for implementation of agricultural components;
(c) Identification of responsible parties for agricultural operations;
(d) Maintenance requirements and schedules;
(e) Methods to avoid conflicts between solar and agricultural operations;
(f) Provisions for monitoring and reporting on agricultural productivity; and
(g) Contingency measures if agricultural operations prove unsuccessful.

(11) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

(12) Emergency Operations Plan. A copy of the approved site-specific Emergency Operations Plan shall be given to the local fire department and the local fire code official. The emergency operations plan shall include the following information:

(a) Access to the site for emergency response shall be provided and detailed to scale on the plans.
(b) A narrative or manual for municipal Fire Department detailing response guidance and disconnection locations necessary for fire response shall be provided.
(c) Contact information for the solar energy system owner/operator shall be posted on site at the access way and provided and updated to the municipality.
(d) The Fire Chief shall inspect the system after completion to review safety measures and accessibility to the site prior to the system being activated.

F. All large-scale solar systems must enter into a payment in lieu of taxes agreement with the Greenwich Town Board. Evidence of such agreement must be provided to the Planning Board prior to granting of approval.

G. Operators of large-scale solar energy systems shall submit an annual operational report to the Code Enforcement Officer by January 31 of each calendar year. This report shall include, at a minimum:
(1) Total energy produced (in kilowatt-hours) over the previous year.
(2) Maintenance and repair activities conducted.
(3) Any significant system modifications.
(4) Confirmation of continued compliance with all applicable local, state, and federal requirements.

Failure to provide the required annual report may be considered a violation of this zoning code

H. At the time that an application for site plan review for a large-scale solar system is submitted, or an application for a building permit for any other solar energy systems is submitted, all such applicants shall pay an application fee in the amount adopted by the Town Board pursuant to Town Code § 110-1 and listed on the Town's Fee Schedule.

I. Abandonment. Solar energy systems are considered abandoned after one year without electrical energy generation and must be removed from the property. An extension from the Planning Board may be applied for using the procedures in Article V. A large-scale solar collection system shall be deemed abandoned when it ceases to generate electricity for a continuous period of twelve (12) months, as evidenced by any of the following conditions: (a)Disconnection from the electrical grid; (b) Lack of regular maintenance as required by this Code; (c) Failure to submit required operational reports; (d) Physical deterioration of the facility resulting in significantly reduced generation capacity; (e) Written notice from the operator of intent to permanently cease operations; or (f) Removal of essential equipment without replacement.
The determination of abandonment shall not apply to:

(1) Temporary shutdowns for repairs or upgrades lasting less than twelve (12) months, provided the owner/operator has submitted written notice to the Code Enforcement Officer detailing the reason for shutdown and expected duration;
(2) Force majeure events beyond the owner/operator's control, provided operations resume within a reasonable time period as determined by the Town; or
(3) Seasonal variations in power generation that are consistent with the facility's operational plan.

Within 180 days of notice being served, the owner and/or operator shall implement the decommissioning plan as outlined in § 190-73.3D or restore operation equal to 80% of approved capacity.

J. Any special permit approval granted under this article shall have a term of 20 years, commencing from the issuance of a certificate of occupancy or certificate of compliance, which may be extended for an additional five-year term upon application to the Town Board.

K. If the applicant does not complete construction of the project within 24 months after beginning construction, this may be deemed an abandonment of the project and require implementation of the decommissioning plan to the extent applicable.

L. In the course of delivery, installation, maintenance, dismantling, removal, or transport of the solar energy system, or any components thereof, the property of the Town of Greenwich, including but not limited to roadways, shoulders, drainage structures, signage, guide rails etc., is/are damaged by the efforts of the applicant or any agents thereof, the applicant shall, within thirty (30) days of completing construction, completely replace and/or repair all damage in consultation with the Town Highway Superintendent.

SECTION 18: BATTERY ENERGY STORAGE SYSTEMS

Article IX Supplementary Regulations, is hereby amended to include a new section § 190-73.4 Battery Energy Storage Systems.

A. Purpose. The purpose of these supplemental regulations is to advance and protect the public health, safety, welfare, and quality of life of the residents in the Town of Greenwich by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems; and

3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

B. Applicability.

(1) These regulations shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Greenwich after the effective date of this amendment, excluding general maintenance and repair.

(2) Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to the requirements in this Section.

C. General requirements.

(1) A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

(2) All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that a. contain or are otherwise associated with a battery energy storage system and subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Greenwich Code.

(3) Battery energy storage systems are prohibited within floodplains.

D. Permits required.

(1) Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

(2) Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Special Use Permit within the Rural Agricultural zoning district, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

E. Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

F. Signage.

(1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

(2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

G. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

H. Vegetation and tree-cutting. Areas adjacent to Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth in accordance with the Uniform Building Code. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

I. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 50 dBA as measured at the property line. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

J. Decommissioning.

(1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the battery energy storage system;

d. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a licensed professional engineer. Cost estimations shall take into account inflation;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will

be protected during decommissioning and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

(2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

K. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information, in addition to all information required for a site plan application (refer to § 106-16):

(1) Property lines and physical features, including roads, for the project site.

(2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

(3) A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

(5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

(6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

(7) Zoning district designation for the parcel(s) of land comprising the project site.

(8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the

system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

(9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

(10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

(11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

(12) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

(13) Emergency Operations Plan. A copy of the approved site-specific Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

e. Provision of a Knox Box or equivalent to allow fire department to access the site in response to a fire or other emergency.

f. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

g. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

h. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

(14) Transportation Plan. All applications for battery energy storage systems shall include a detailed Transportation Plan prepared by a qualified professional addressing the delivery, installation, maintenance, and decommissioning phases of the project. The Transportation Plan shall include:

a. Route Analysis. (1) Proposed delivery routes from the point of origin to the project site; (2) Alternate routes in case of primary route disruption; (3) Identification of all bridges, culverts, and weight-restricted roadways along proposed routes; (4) Analysis of turning radii at all intersections along delivery routes; and (5) Anticipated delivery schedule and frequency.

b. Load Verification

(1) Detailed weight calculations for Individual battery units, delivery vehicles when fully loaded, construction equipment, combined maximum loads
(2) Documentation of weight limits for all roads, bridges, and culverts along proposed routes
(3) Engineering analysis demonstrating that all proposed routes can safely accommodate anticipated loads
(4) Identification of any road segments requiring upgrades or reinforcement

c. Safety and Mitigation Measures

(1) Traffic control procedures during delivery and installation
(2) Emergency response protocols for transportation-related incidents
(3) Measures to protect road infrastructure
(4) Proposed timing of deliveries to minimize traffic impacts
(5) Description of any necessary road improvements or temporary modifications

d. Coordination Requirements

(1) Evidence of consultation with Municipal Highway Department, County Highway Department (if applicable), State Department of Transportation (if applicable), Emergency response agencies
(2) Written verification from each jurisdiction confirming road capacity
(3) Necessary permits or approvals for oversized/overweight vehicles

e. Financial Security
    (1) Cost estimates for any required road improvements
    (2) Bond or other security to cover potential damage to public infrastructure
    (3) Documentation of insurance coverage for transportation-related incidents

f. The Planning Board shall not approve any application without verification that all proposed transportation routes can safely accommodate the weight and size of battery system components. The Board may impose conditions including but not limited to:
    (1) Road improvement requirements
    (2) Timing restrictions on deliveries
    (3) Required road condition surveys before and after installation
    (4) Specific route requirements
    (5) Additional financial security

g. Any substantial modification to the approved Transportation Plan shall require Planning Board review and approval.

L. Special Use Permit Standards.

(1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

(2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

(3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. Fencing shall have a 6-inch gap at the bottom for passage of wildlife.

(4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

M. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe.

Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications.

SECTION 19: FENCE AND WALLS

Article IX Supplementary Regulations, is hereby amended to include a new section § 190-73.5 Fences and walls.

§ 190-73.4 Fences and walls.

In Residential, Rural Agricultural, and Hamlet Mixed Use Districts, walls and fences not exceeding eight feet in height shall be permitted on any portion of a lot behind the front building line or the front setback line, whichever is less restrictive, except where the corner clearances are required for traffic safety. Within required front yards in a residential district, no hedge, fence, or wall shall exceed 3.5 feet. Any wall or fence should not obstruct a line of sign for vehicles on the public ROW. Electric, barb wire, razor wire, and other similar fencing shall be prohibited, except in the RAD.

SECTION 20: CANNABIS FACILITIES

Article IX Supplementary Regulations, is hereby amended to include a new section § 190-73.6 Cannabis facilities.

§ 190-73.5 Cannabis facilities.

A. Location requirements.
   (1) Fixed location. All cannabis facilities shall be operated from a fixed location and shall not be operated from a movable structure or vehicle.
   (2) Home occupation prohibited. No cannabis facility shall be permitted as a home occupation.

B. Security.
   (1) All cannabis facilities shall provide proper security at the premises meeting minimum standards set forth by the Office of Cannabis Management to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of employees, customers, and the surrounding neighborhood.
   (2) A security plan shall be provided with the special use permit application.

C. Outdoor storage. With the exception of cannabis cultivation facilities, no cannabis facilities shall be permitted to store products, materials, or other supplies outdoors.

D. Control of emissions and waste.
   (1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cannabis facility shall be provided at all times.
   (2) All special use permit applications for cannabis facilities shall provide an odor and waste control plan that provides for proper and adequate ventilation and demonstrates that any odors and waste associated with the cannabis facility shall be effectively confined to the premises and so treated to avoid any negative impacts to neighboring properties.

(3) The facility operator shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

E. Signage. All signage shall comply with the MRTA, applicable regulations established by the Office of Cannabis Management, and shall obtain a Village sign permit in accordance with this chapter.

F. Cannabis cultivation, cannabis nursery and cannabis microbusiness facilities. The following standards shall apply to cannabis cultivation, cannabis nursery and cannabis microbusiness facilities:
   (1) All cannabis cultivation activities must be conducted within an enclosed, secured indoor facility. Outdoor cultivation, including greenhouses, is prohibited. Indoor facilities must meet security, ventilation, lighting, and environmental control requirements as established by the Cannabis Control Board. Violation of these requirements may result in license suspension, revocation, and/or civil penalties.
   (2) No fertilizers, compost soils, materials, machinery, or equipment shall be stored within the front yard or required front, side, and rear yard setbacks.
   (3) Microbusiness cultivation areas shall not exceed 3,500 square feet of total canopy space dedicated to mature cannabis plants. Canopy space shall be calculated by aggregating the total floor area utilized for plant growth, including all aisles, walkways and workspace between growing areas.

SECTION 21: CRAFT BEVERAGE AND FOOD PRODUCTION FACILITY

Article IX Supplementary Regulations , is hereby amended to include a new section § 190-73.7 Craft beverage and food production facility.

§ 190-73.6 Craft beverage and food production facility.

A. All production, storage, and distribution activities must be conducted entirely within an enclosed building.
B. Outdoor storage is prohibited except for temporary storage of grain silos, spent grain, or similar production materials in designated areas screened from public view.

SECTION 22: WIND-POWERED SYSTEMS

Article IX Supplementary Regulations, is hereby amended to include a new section § 190-73.8 Wind-powered systems.

A. General requirements.
   (1) Accessory use. Wind-powered systems may exist only as an accessory use.
   (2) Accessory structure. Ground-mounted and roof-mounted wind-powered systems shall be considered accessory structures. Noncommercial wind-powered systems that use electricity primarily on-site are permitted as an accessory structure in all zoning districts. No site plan or special use permit review is required for a wind-powered system installed an accessory use.

(3) All wind-powered systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the New York State Uniform Fire and Building Code, as well as may be required by the Public Service Commission regulations.
(4) A building permit shall be required for installation of all wind-powered systems.
(5) Wind-powered systems are prohibited within floodplains.

B. Design standards.
(1) Noncommercial ground-mounted wind-powered systems shall comply with all existing setback requirements of the underlying zoning district or shall be located with a minimum setback from any property line equal to 1.5 times the height of the wind tower, whichever is greater, as measured from average natural ground level to the highest point of the arc of the wind blades' elevation above such ground level.
(2) All wind-powered systems are limited to 60 decibels at any point along the property line of the lot on which the system is to be located.
(3) One wind-powered system is allowed on any lot unless they are separated by a distance equal to at least the height of the tallest such tower, as measured from average natural ground level to the highest point of the wind blades' elevation above such ground level.
(4) In all districts noncommercial wind-powered systems shall be installed in side or rear yards. The Code Enforcement Officer, at his or her discretion, may require that wind-powered systems be screened from adjoining properties. The Code Enforcement Officer may require that such screening be installed within one year of the date of installation of the system.
(5) All lighting not required by Federal Aviation Administration (FAA) regulations is prohibited.

C. Abandonment.
(1) Abandonment. A wind-power system shall be considered abandoned if the wind-powered system is not operated for a continuous period of 12 months.
(2) Removal. Upon abandonment or discontinuation of use, the property owner shall completely disassemble and remove all elements of the wind-powered system, including its base and foundation, within 90 days from the date of abandonment or discontinuation of use.

SECTION 23: NONCONFORMING STRUCTURES

Article X Nonconforming Uses, Structures and Lots, § 190-75 of the Zoning Code entitled "Change of uses; repairs, maintenance, and structural additions" is hereby amended as follows:

B. Repairs, maintenance and structural additions.

(2) Nonconforming structures.

(a) A nonconforming structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), provided that such proposed construction conforms in all other respects to the affected district's height, setback and yard requirements and does not increase the degree of any yard, bulk, parking or other nonconformity of the existing property.