

6.3 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

6.3.1 INTENT

This section establishes supplemental regulations for specific uses in addition to those otherwise established in this Chapter.

6.3.2 TELECOMMUNICATIONS FACILITIES AND TOWERS

This section is intended to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to encouraging the shared use of existing buildings and telecommunication towers; to provide the process for the establishment of new telecommunication towers; and to minimize adverse visual effects from telecommunication facilities and towers.

A. Required Approvals

1. **Placement on existing telecommunication facility**
New telecommunication equipment that is proposed to be added to (co-located) a previously approved telecommunication facility shall be a permitted use but shall require architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
2. **Placement on an existing structure**
New telecommunication equipment that is proposed to be added to an existing approved structure, other than an approved telecommunications facility, shall require a special use permit, architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
3. **New telecommunication tower/facility**
The construction of a new telecommunication tower/facility shall require a use variance, architectural review (or historic review if located within an historic district), and site plan review.

B. Additional Requirements for Telecommunications Tower/facility Approvals

1. **Architectural and historic review**
In addition to the respective requirements associated with Historic and Architectural Review in Articles 7.4 and 7.5, the following may be considered in association with telecommunication tower/facility review.
 - a. Pictorial representations of "before and after" views from key viewpoints selected by the City.
 - b. Alternative designs, materials, finishes and color schemes to minimize visual discord with neighboring areas.
 - c. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose.

2. Special use permit

In addition to the requirements associated with Special Use Permit in Article 7.1, the following may be considered in association with telecommunication tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities including demonstration that such co-location is not feasible.
- b. Demonstration that any new facility or tower may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- c. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- d. Certification of a valid Federal Communications Commission (FCC) license.

3. Use variance

In addition to the requirements associated with a Use Variance in Article 8.0, the following may be considered in association with telecommunication tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities and other structures including demonstration that such co-location is not feasible. Demonstration shall include an inventory of all existing telecommunication facilities and other structures within a reasonable distance as determined by the ZBA in consultation with the applicant.
- b. Demonstration that a new tower/facility is necessary to meet current or expected demand for services including demonstration that existing facilities, structures, or combination thereof, could not provide the intended service.
- c. Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and design.
- d. Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.
- e. Demonstration that any new tower/facility may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- f. Certification that the new facility will not interfere with radio or

television service to the adjacent properties or with public safety telecommunications.

- g. Certification of a valid Federal Communications Commission (FCC) license.
4. Use variance - additional notifications
- In addition to the notification requirements associated with Article 8.0, the applicant shall send written notification via the U.S. Postal Service of a use variance application to the following:
- a. Property owners within a geographic radius of 500 feet from the subject property boundary
 - b. Respective Town Clerk for the towns of Greenfield, Malta, Milton, Saratoga and Wilton
 - c. Saratoga County Planning Board
 - d. Director of Saratoga County Emergency Services
 - e. Administrator of any State and Federal Parklands from which the tower may be seen

Notice shall describe the proposed facility including the height and exact location of the tower and its capacity for future shared use. The applicant shall submit documentation of this mailing to the ZBA at the time of application.

5. Site plan review
- In addition to the requirements associated with a Site Plan Review in Article 7.2, the following may be considered in association with telecommunication approvals.
- a. All proposed telecommunication structures shall be located on a single parcel. If the land is leased, the leased area shall include the entire telecommunications facility including any required yard setback areas.
 - b. Each freestanding telecommunication tower shall be located at a minimum setback from any property line equal to the height of the tower. Accessory structures shall comply with setback requirements of the underlying zoning district.
 - c. Existing on-site vegetation shall be preserved to the maximum extent possible. An inventory may be required to document existing vegetation. No trees, measuring more than 4 inches in diameter at a height of 4 feet off the ground, shall be cut prior to approval. Additional plantings may be required to screen the facility from neighboring areas
 - d. The tower and accessory structures shall be adequately enclosed by a fence or other confined means to ensure the security of the facility.

C. Notice of discontinuance and removal

The property owner or lessee shall notify the Zoning Officer in writing within 30 days of the discontinuance of the approved telecommunications use. All telecommunication facilities and structures shall be removed from any site within four (4) months of the date of discontinued use.

6.3.3 VEHICLE FUELING STATIONS

In any district where vehicle fueling stations are permitted, the following shall apply:

- A. No fuel pump shall be located closer than 20 feet from any property line.
- B. No property line associated with a vehicle refueling station shall be located within:
 1. 500 feet of a school, park, playground, fire station, public library, theater, religious institution, or other place of public assembly as defined by the NYS Uniform Fire Prevention and Building Code
 2. 250 feet of ingress or egress ramps to limited access highways
 3. 250 feet of an abutting residential district.
- C. No new or used vehicles or trailers shall be sold or rented at a vehicle refueling station.

6.3.4 MOBILE HOMES

A. Residential Mobile Homes

Residential mobile homes are permitted only within approved mobile home parks in the Urban Residential-6 District, or for farm workers within State-established Agricultural Districts. Single lot residential mobile homes may only be permitted under extraordinary temporary conditions (e.g., emergency shelters, and the like) by the issuance of a temporary special use permit.

B. Non-residential Mobile Homes

1. A mobile home may be used for temporary business/office purposes during construction of a permanent facility as approved by the Planning Board.
2. A mobile home may be used as a temporary field office or tool house in conjunction with an approved construction or other similar work project.
3. Temporary mobile homes shall be removed after project completion.

6.3.5 ADULT BOOK STORES AND ADULT ENTERTAINMENT ESTABLISHMENTS

Adult Book Stores and Adult Entertainment Establishments are recognized as having serious negative secondary effects such as: increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of life, and spread of sexually transmitted diseases, as based on documented evidence and concluded within:

- the “Adult Entertainment Study”, NYC Department of Planning, 1994, which contains summaries of impact studies from the cities of Islip, New York, Los Angeles, CA; Indianapolis, IN; Whittier, CA; Austin, TX; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina and the State of Minnesota; and
- “Adult Use Study, Town of Clifton Park”, Clifton Park and RMPC, 2000;

The adverse impacts are compounded when several of them are concentrated under certain circumstances and in close proximity of one another, thereby having a deleterious effect upon the adjacent area. Special regulations of such uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and, thereby, have a direct deleterious effect on the health, safety and general welfare of the City and its inhabitants. These supplemental-regulations are for the purpose of preventing a concentration of this use in any one area.

- A. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any school, library, park, playground, or religious institution.
- B. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any other adult book store or adult entertainment establishment.
- C. Penalties. In addition to the penalties specified by Article 9.2.2 of this Chapter, violation of this Section is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding 6 months, or by both fine and imprisonment. Each day, or any portion thereof, in which any violation of this Section is committed or continued shall constitute a separate offense. In addition to these penalties, the City may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take such other legal or administrative action deemed necessary or desirable to correct or abate such violation.