

- e. Shared Usage of Site with New Tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsections d (1) and above. Any new commercial communications/radio tower approved for an existing tower site shall be subject to the standards of sub-sections g through o below.
- f. New Tower at a New Location. The Planning Board may consider a new commercial communications/radio tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of existing tower site is impractical, and submits a report as described in sub-section d (2) above.
- g. Future Shared Usage of New Towers. The applicant must examine the feasibility of designing a proposed commercial communications radio tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon;
- (1) The number of Federal Communication Commission (FCC) licenses foreseeable available for the area;
 - (2) The kind of tower site and structure proposed;
 - (3) The number of existing and potential licenses without tower spaces;
 - (4) Available spaces on existing and approved towers; and
 - (5) Potential adverse visual impact by a tower designed for shared usages.
- h. Setbacks for New Towers. All proposed commercial communications/ radio towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of adjoining residential properties.
- (1) All tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established at the sole discretion of the Planning Board based on the unique characteristics of the site,

whichever of the foregoing is greatest. The minimum setback requirement of this paragraph may be increased at the discretion of the Planning Board.

- (2) Accessory structures must comply with the minimum setback requirements in the underlying district.
- i. Visual Impact Assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new tower or modification of an existing tower shall be subject to the guidelines and criteria below that are determined by the Planning Board.
- (1) Assessment of "before and after" views from key viewpoints both inside and outside of the town, minimum of one mile distance, including state highways and other major roads, from state and local parks, other public lands, from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of residents. Assessment shall include at least one representative of before and after views. This should be accompanied by a visibility map, scale 1:2000 indicating where tower will be visible within a one-mile radius.
 - (2) Assessment of alternative tower designs and color schemes, as described in subsection (j) below.
 - (3) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- j. New Tower Design. Alternate designs shall be considered for new towers, including lattice, single poles, and concealment structures. The design of a proposed new tower shall comply with the following:
- (1) Unless specifically required by other regulations. All towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have.
 - (2) The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications/radio tower, shall not exceed that which will permit operations without artificial lighting of any kind or nature, in accordance with Municipal, State and/or Federal law and/or regulation.
 - (3) Any new tower shall have the minimum height needed to provide

future shared usage, but artificial lighting of any kind shall be prohibited.

- (4) The Planning Board may request a review of the application by a qualified structural engineer for evaluation of need for and design of any new or modified tower. This cost will be paid by the applicant.
 - (5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- k. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. Additional clear cutting for an access road shall be at the discretion of the Planning Board.
 - l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
 - m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
 - n. Parking. Parking shall be provided in accordance with Article XI.D., of this ordinance.
 - o. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, the design of which shall be determined by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.

- p. Maintenance and/or Performance Bond. The Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk of the Town of Northumberland prior to approval of any application and/or license, a maintenance and/or performance bond in an amount sufficient to cover the installation. The amount required shall be determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

18. Agribusiness:

A special permitted use to the principal agricultural use of a property within the Agricultural Protection District, and is subject to the following standards:

- a. For the purposes of this section, agribusinesses may involve any one of a wide range of uses, so long as it remains secondary to, and compatible with, the active farm use.
- b. Any new building constructed for use by the agribusiness shall be of a design so that it can be readily converted to agricultural use, or removed, if the agribusiness is discontinued.
- c. No part of an agribusiness shall be located within three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- d. The agribusiness shall occupy no more than five thousand (5,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the agribusiness and the farm shall not be calculated as land serving the farm occupation.
- e. Any sign used for an agribusiness shall not exceed ten (10) square feet in size.

19. Public Utility Use.

- a. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X of this ordinance. The site plan shall show all existing and proposed structures and improvements, including roads, building, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
- b. Supporting documentation. The Planning Board shall require that the

site plan include an evaluation of all public utility use alternatives, a complete visual environmental assessment form pursuant to SEQRA, and documentation on the proposed intent and capacity of use as well as a justification for the proposed public utility use and justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this in Subsections 20.k. and 20.l. below.

- c. Shared use of existing facilities. At all times, shared use of existing facilities and structures shall be preferred to the construction of new facilities and structures. An applicant shall be required to present an adequate report inventorying existing public utility facilities /structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to proposed new structures.
 - (1) An applicant proposing to share use of existing facilities shall be required to document intent from an existing facility owner to allow shared use.
 - (2) The Planning Board shall consider a new facility/structure where the applicant demonstrates that shared usage of an existing facility/structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing facilities/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- d. Shared usage of site with new facility/structure. Where shared usage of an existing facility/structure is found to be impractical, the applicant shall investigate shared usage of an existing public utility site for its ability to accommodate a new facility/structure and accessory uses. Documentation and conditions shall be in accordance with Subsections c.(1) and (2) above. Any new facility/structure approved for an existing public utility site shall be subject to the standards of Subsections f. through o. below.
- e. New facility/structure at a new location. The Planning Board shall consider a new facility/structure on a site not previously developed with an existing facility/structure when the applicant demonstrates that shared usage of an existing public utility site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing public utility sites as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- f. Future shared usage of new public utility sites. The applicant must examine the feasibility of designing a proposed public utility site to accommodate future demand for similar facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon the kind of site and structure proposed.
- g. Setbacks for new public utilities. All proposed public utility structures/facilities and accessory structures shall be set back from property lines the distance set forth in the schedule for the underlying zoning district.
- h. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new public utility facility or any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) A "Zone of Visibility Map," provided in order to determine locations where the facility/structure may be seen.
 - (2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks.
 - (3) Assessment of alternative facility/structure designs and color schemes.
 - (4) Assessment of visual impact of the facility/structure, accessory buildings and overhead utility lines from abutting properties and streets.
- i. Sensory impact assessment. The Planning Board shall require the applicant to undertake a sensory impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) Decibel levels to be produced "before and after" which are audible on adjacent properties, providing an example of a common noise at a similar decibel level.
 - (2) Assessment of alternative facility/structure designs which reduce any audio impact (i.e. the addition of acoustical materials, sound dampening devices, etc.).
 - (3) Assessment of audio impact of the facility/structure and accessory

buildings from abutting properties and streets.

- (4). Assessment of alternative facility/structure designs which reduce any olfactory impact (i.e. the addition of air filters, odor reducing devices, etc.).
 - (5). Assessment of olfactory impact of the facility/structure and accessory buildings from abutting properties and streets.
- j. New facility design. The design of a proposed new public utility facility/structure shall comply with the following:
- (1) Unless specifically required by other regulations, all facilities/structures shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
 - (2) Any new facility/structure shall have the minimum size needed to provide future shared usage.
 - (3) Artificial lighting of the facility/structure, unless specifically required by other regulations, shall be prohibited.
 - (4) The Planning Board may request a review of the application by a qualified structural engineer, at the applicants cost, for evaluation of need for and design of any new facility/structure.
 - (5) Accessory facilities shall maximize the use of building materials, colors and textured designed to blend with the natural surroundings.
 - (6) No portion of any facility/structure or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.
- k. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter [measured at a height of four (4) feet off the ground] shall take place prior to the approval of the special permit.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the facility/structure and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road

construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbances and reduce soil erosion potential.

- n. Parking. Off street parking spaces shall be provided as required to service the facility.
- o. Fencing. Sites of proposed new public utility facilities/structures and sites where modifications to existing facilities/structures are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
- p. Removal. Obsolete or unused public utility facilities/structures and related structures shall be removed from any site within four (4) months of discontinuance of use.
- q. Maintenance and/or performance bond. The Planning Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance, and/or construction of said public utility facility/structure(s) during its lifetime. The amount required shall be determined at the sole discretion of the Planning Board, based upon the unique characteristics of the public utility facility/structure and site. The applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Planning Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.