

**§ 139-61. Swimming pools. [Added 12-6-1993 by L.L. No. 1-1993]**

- A. Swimming pools as defined in the New York State Uniform Fire Prevention and Building Code shall be enclosed by a fence or other barrier to access by children and shall also, in addition, comply with the pertinent provisions of the New York State Uniform Fire Prevention and Building Code.
- B. This provision concerning swimming pools applies to all such pools, whether built before or after the enactment of this provision.

**§ 139-61.1. Wind power generating facilities. [Added 10-11-2004 by L.L. No. 4-2004]**

Wind power generating facilities shall be a site plan review use in any agricultural district and shall be issued only after compliance with the procedures for site plan review use as set forth in § 139-10, Site plan review uses, and § 139-16, entitled "Detailed plan review." The Planning Board shall require, before permitting any such use, compliance with the following standards:

- A. The site plan for a windmill or wind generator shall include:
  - (1) Location of tower on site, including maximum height of turbine components during use (e.g., blade tip for horizontal-axis device) and ground clearance of moving components (e.g., blades) and tower heights, including blades, rotor diameter and ground clearance.
  - (2) All utility lines both above and below ground within a radius from the tower base equal to the proposed tower height; including blades.
  - (3) Dimensional representation of the various structural components of the tower construction including the base and footings.

breakfast establishment approval must comply with the following:

- A. Detailed plans of the structure and layout of the residence must be submitted, together with a written statement from the Code Enforcement Officer as to safety, fire protection and structural soundness, with recommendations, if any, for improvements or changes deemed advisable.
- B. The applicant must demonstrate compliance with all applicable regulations, including the New York State Uniform Fire Prevention and Building Code.
- C. Bedrooms and bathrooms of the dwelling used for paying guest accommodations shall not exceed  $\frac{1}{3}$  of the habitable floor area of the dwelling, and no more than four rooms shall be used as bedrooms for paying guests.
- D. No more than eight guests per night (two guests per room maximum) shall be permitted, but the Planning Board may fix a lower maximum if appropriate. No guest shall stay on any one visit more than 15 days.
- E. There must be at least one off-street parking space per paying room.
- F. No apartments or rental units shall be permitted beyond the residents' living quarters and the bed-and-breakfast rooms.
- G. Only one daily morning meal per paying guest shall be served.
- H. A lighted sign, maximum six feet square, shall be permitted. Neon or flashing signs are not to be permitted.
- I. Upon a change of ownership, the new owner must reapply to the Planning Board for a renewal of the permit.

- (4) Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions.
  - (5) Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures.
- B. No windmill, including blades, shall extend more than 75 feet above the average ground level, measured at the base of the tower.
  - C. No more than one windmill shall be permitted as an accessory use to any property.
  - D. No windmill shall be erected in any location where its overall height, including blades, is greater than the distance from its base to any property line.
  - E. Access to the tower shall be limited either by means of a fence six feet high around the tower base with a locking gate or by limiting tower-climbing apparatus to no lower than 12 feet from the ground. -
  - F. No windmill shall be installed in any location along the major axis of an existing microwave communications link where the operation of the windmill is likely to produce an unacceptable level of electromagnetic interference.
  - G. Windmills shall be located or installed in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach zones (15.503) and clearance around VOR and DVOR stations.
  - H. Any site proposed for a windmill shall have sufficient access to unimpeded air flow for adequate operation. The Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference, should be used as a guide.

- I. No windmill shall be installed in a location where the impact on the neighborhood character is determined by the Planning Board to be detrimental.
- J. If the windmill is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of approval of the proposed interconnect by the power company.
- K. A tower shall be located in either a rear or side yard. Applicants seeking a side yard siting shall demonstrate that such a location is essential to the viability of the proposed investment.
- L. Guy wires and anchors for towers shall not be located closer than the required accessory structure setback.
- M. All windmills shall be designed with an automatic brake to prevent over-speeding and excessive pressure on the tower structure.
- N. The minimum distance between the ground and any protruding blades shall not be less than 10 feet as measured at the lowest point of the arc of the blades.

#### ARTICLE XIII

#### **Telecommunications Facilities** **[Added 7-8-2002 by L.L. No. 2-2002]**

#### **§ 139-62. Authority.**

The Planning Board of the Town of Vernon is hereby authorized to review and approve, approve with modifications or disapprove lower special use permits and site plans consistent with Article 16 of the Town Law of the State of New York, §§ 274-a and 274-b. The Zoning Board of Appeals will continue to have jurisdiction over special use permits for uses aside from telecommunications facilities.