

Local Law No. 5 for the year 1998 of the Town of Busti, County of Chautauqua and State of New York.

1998 AMENDMENT TO ZONING LAW

BE IT ENACTED by the Town Board of the Town of Busti as follows: The Zoning Code of the Town of Busti as heretofore enacted is hereby amended to provide as follows:

1. Section 91-202 entitled definitions is hereby amended as follows:

A. The following definitions are hereby inserted into the Zoning Code in alphabetical sequence:

1. Communication Tower - any structure designed to be used for the support of any device for transmitting and/or receiving signals for the purpose of communication, including but not limited to broadcast, shortwave, citizens band, AM radio, FM radio, television, microwave, cellular, digital or personal communication devices.
2. Utility Distribution Facility - ground level, below ground level, or above ground level transformers, compressors, stations, pumps or other facilities utilized in the transmission of electricity, natural gas, water, or sewage.

B. The following definitions are hereby amended:

1. Essential Services - the erection, construction, alteration or maintenance by public utilities, municipal or other governmental agencies, or gas, electrical, steam, water, sewage and purveyors of communication systems and facilities serving customers in the Town of Busti outside of the Village of Lakewood, but not including communication towers or utility distribution facilities. Railroad trackage facilities and bus shelters are considered as essential services.

2. The first sentence of Subsection 3 of Section 91-420. CA - Conservation/Agricultural District is hereby amended to read as follows: Permitted uses subject to securing use permits from the Zoning Board of Appeals: Camps, game farms, fish hatcheries and fishing reserves, and dog kennels.

3. The first sentence of Subsection 3 of Section 91-430. CAMP - Agricultural Mobile Home Park District is amended to read as follows: Permit uses subject to securing a special use permit from the Zoning Board of Appeals: Camps, game farms, fish hatcheries and fishing reserves, dog kennels; radio and television studios. Communications towers, utility distribution facilities and junkyards shall be permitted in that portion of the CAMP district bounded as follows: west by Town of Harmony; south by Commonwealth of Pennsylvania; east by Wellman Road; north by Kortwright Road.

4. The first sentence of Subsection 3 of Section 91-440. SR - Single Family Residential District is hereby amended to read as follows: Permitted uses subject to securing special use permits from the Zoning Board of Appeals: Customary home occupations.

5. The first sentence of Subsection 3 of Section 91-450. MR - Multi-Family Residential District is hereby amended to read as follows: Permitted uses subject to securing special use permits from the Zoning Board of Appeals: Camps, game farms, fish hatcheries and fishing reserves, dog kennels, club, fraternal lodge and meeting halls, home occupation of a restricted nature and nursing or convalescent home or sanitarium.

6. The first sentence of Subsection 3 of Section 91-460. LC - Lakeshore Commercial District is hereby amended to read as follows: Permitted uses subject to securing special use permits from the Zoning Board of Appeals: Camps, game farms, fish hatcheries and fishing reserves, dog kennels and indoor and outdoor recreational facilities.

7. The first sentence of Subsection 3 of Section 91-465. GC - Gateway Commercial District is hereby amended to read as follows: Permitted uses subject to securing special use permits from the Zoning Board of Appeals: Camps, aquaculture, agricultural game farms, fish hatcheries and fishing reserves, dog kennels and indoor and outdoor recreational facilities.

8. The first sentence of Subsection 3 of Section 91-470. HC - Highway Commercial District is hereby amended to read as follows: Permitted uses subject to securing special use permits from the Zoning Board of Appeals: Camps, game farms, fish hatcheries and fishing reserves and dog kennels.

9. The first section of Subsection 3 of Section 91-480. I - Industrial District is hereby amended to read as follows: Permitted uses subject to securing a special use permit from the Board of Appeals: Radio and television studios, communication towers and utility distribution facilities.

10. Subsection 7 of Section 91-602-Special Use Permits from the Zoning Board of Appeals is amended to read as follows:

COMMUNICATION TOWERS:

A. Purpose: The purpose of this section is to promote the health, safety and general welfare of the residents of the Town of Busti; to provide standards for the safe provision of communications consistent with applicable Federal and State regulations; to minimize the total number of communication towers in the community by encouraging shared use of existing and future towers, and the use of existing tall building and other high structures; and to minimize adverse visual effects from communication towers by requiring careful siting, visual impact assessment, and appropriate landscaping

thereby protecting the natural features and aesthetic character of the Town of Busti with special attention to the scenic value of the Chautauqua Lake.

B. Application of Special Use Regulation:

(1) No Communication tower, except those approved prior to the effective date of this section, shall be used unless in conformity with these regulations. No communication tower shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a communication tower unless in conformity with these regulations.

(2) Applicants proposing to co-locate on a previously approved communication tower do not require a special permit. They are, however, subject to Site Plan Review in accordance with Subsection H. The zoning Board of Appeals (the Board) may require the applicant to submit any of the items under Subsection C (1) below as part of the Site Plan Review Process.

(3) These regulations shall apply to all property within the following districts: CAMP (As described in Section 91-430, subsection 3) and I. Communication Towers shall be specifically excluded from all other districts.

C. Shared Use of Existing Tall Structures: At all times, the shared use of existing tall structures (for example: municipal water towers, multi-story buildings, farm silos, etc), and existing or approved towers shall be preferred to the construction of new towers.

(1) An applicant proposing to share use of an existing tall structure shall be required to submit:

(a) a completed application for special permit,

(b) documentation of intent from the owner of the existing facility to allow shared use.

(c) a site plan. The site plan shall show all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for the new facilities and roads. Any methods used to conceal the modification of the existing facility, shall be indicated on the site plan.

(d) an engineer's report certifying that the proposed shared use will not diminish the structure, and explaining what modifications, if any, will be required in order to certify the above.

(e) a completed EAF and completed visual EAF addendum.

(f) a copy of its Federal Communications Commission (FCC) license.

(2) If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with subsection C(1) above, and if modifications indicated according to subsection C(1) are deemed insignificant by the Board, after the Board conducts a hearing and complies with all SEQRA provisions, the board shall grant a special permit without further review under this section. If the board determines that any modifications indicated according to subsection C(1) are significant, it may require further review according to subsections H through P below.

D. New Communication Tower: The Board may consider a new communication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of these facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

E. Shared Usage of an Existing Tower Site for the Placement of New Tower: Where shared use of existing tall structures, and existing or approved towers, is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate new tower and accessory uses. Documentation and conditions shall be in accordance with subsection D above. Any proposals for a new communication tower on an existing tower site shall be subject to the requirements of subsections G through Q below.

F. New Tower at New Location: The Board may consider a new communications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical, and submits a report as described in subsection D above; and when the Board determines that shared use of an existing tower site for a new tower

is undesirable based upon applicant's investigation in accordance with subsection E. Any proposal for a new communication tower shall also be subject to the requirements of subsections G through P below.

G. New Towers: Future Shared Use: The applicant shall design a proposed new communications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Board a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. This letter shall be filed with the zoning officer prior to issuance of a building permit. The letter shall commit the new tower owner and his/her successor in interest to:

- (1) Respond within 90 days to a request for information from a potential shared-use applicant.
- (2) Negotiate in good faith concerning future requests for shared use of the new tower by other communications providers.
- (3) Allow shared use of the new tower if another communications provider agrees in writing to pay reasonable charges. The charge may include but is not limited to a pro-share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate shared use without causing electromagnetic interference.

H. Site Plan Review: Submission Requirements: The applicant shall submit the following:

- (1) An applicant shall be required to submit a site plan which shall show all existing and proposed structures including lighting and improvements including roads, buildings, tower(s), guy wires and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.
- (2) Supporting Documentation - The applicant shall submit a complete short EAF, a complete Visual Assessment Form (visual EAF addendum), and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The applicant shall also submit a copy of its FCC license.

I. Lot Size and Setbacks: All proposed communication tower accessory structures shall be located on a single parcel and shall be setback from abutting parcels

and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining residential properties.

(1) Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased the entire area required shall be leased from a single parcel unless the Board determines that this provision may be waived.

(2) Communication Towers 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 at least five hundred (500) feet or thirty percent (30%) of the height of the tower, whichever is greater. Accessory buildings shall comply with minimum setback requirements in the underlying zoning district.

J. Visual Impact Assessment: The Board may require the applicant to undertake a visual impact assessment which may include:

(1) A Zone of Visibility Map shall be provided in order to determine locations where the tower may be seen.

(2) Pictorial representations of before and after view from any key viewpoints both inside and outside of the town including but not limited to: state highways and other major roads, state and local parks, Chautauqua Lake, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the key sites at a presubmission conference with the applicant.

(3) Assessment of the alternative tower designs and color schemes, as described in subsection K below.

K. New Tower Design: Alternate designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

(1) Any new tower shall be designed to accommodate future shared use by other communication providers.

(2) Unless specifically required by other regulations, a tower shall have a finish that minimizes its degree of visual impact.

(3) The maximum height of any new tower shall not exceed that which shall permit operation with only that artificial lighting

prescribed by state and/or federal law and/or regulation. The Board at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.

(4) No lighting shall be permitted unless required by the Federal Aviation Administration. If tower lighting is necessary, the applicant shall fully disclose to the Board all lighting options. Only the minimal amount of tower lighting necessary to meet state, and/or federal laws and/or regulations shall be authorized. Light pollution or light spill over to the nearby and distant properties shall be minimized to the greatest degree possible by use of shielding. The Board shall upon review approve only the lighting scheme that it determines to be least obtrusive to the affective properties.

(5) The Board may request a review of the application by a qualified engineer in order to evaluate the need for and the design of any new tower.

(6) Accessory buildings shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

(7) A sign shall be conspicuously placed near the base of a tower and it shall generally state that danger exists and no access is permitted. No portion of any tower or accessory building shall be used for a sign other than as stated or for any other advertising purpose, including but not limited to: company name, phone numbers, banners, and streamers.

L. Existing Vegetation: Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding (4) inches in diameter (measured at a height four (4) feet off the ground), shall take place prior to the approval of the special permit.

M. Screening: Deciduous or evergreen trees planting may be required to screen portions of the tower and accessory buildings 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.

N. Access: Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

O. Parking: Parking shall be provided to assure adequate emergency and service access. The board shall determine the number of required spaces based upon a recommendation from the applicant. Two parking spaces shall be located in any required yard.

P. Fencing: The tower and any accessory building shall be adequately enclosed by a fence, design of which shall be approved by the Board. This requirement may be waived by the Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

Q. Inspections and Removal: Periodic inspections of all towers shall be required every five years. Inspections shall be conducted by a licensed engineer. Based on the results of an inspection, repair or removal of a tower may be required. Tower owners shall remove all towers and accessory buildings that are unused for a twelve month period. Tower owners shall notify the building inspector of such nonuse. Removal shall be within six (6) months of written notification to the Town or written 90 days of notification from the Town. Owners may request a special use permit hearing to request an extension of time for removal for just cause. Failure to notify and/or remove an unused tower in accordance with these regulations shall be a violation of this Chapter and shall be punishable according to Article XIV of this Chapter.

11. Section 8 of Section 91-102. Special Use Permits from the Zoning Board of Appeals: is amended to read as follows:

Utility Distribution Facilities: Utility distribution facilities, including electrical distribution substations, compressor stations, and other public utility structures shall be allowed in the CAMP & I Districts by securing a special use permit form the Zoning Board of Appeals of the Town of Busti provided as follows:

A. Purpose:

The purpose of this section is to promote the health, safety and general welfare of the residents of the Town of Busti; to provide standards for the safe provision of utility distribution facilities consistent with applicable Federal and State regulations; to minimize the total number of utility distribution facilities in the community by encouraging use of such facilities) and to minimize adverse visual, sound and odor effects from utility distribution facilities by requiring careful siting, visual impact assessment, and appropriate landscaping thereby protecting the natural features and aesthetic character of the Town of Busti with special attention to the scenic value of the Chautauqua Lake.

B. Application of Special Use Regulation:

(1) Utility Distribution Facilities, except those approved prior to the effective date of this section, may continue to be used unless in conformity with these regulations. No utility distribution facility shall hereafter be

erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a utility distribution facility unless in conformity with these regulations.

(2) Applicants proposing to co-locate on a previously approved utility distribution facility do not require a special permit. They are, however, subject to Site Plan Review in accordance with Subsection H. The Zoning Board of Appeals (the Board) may require the applicant to submit any of the items under Subsection C(1) below as part of the Site Plan Review Process.

(3) These regulations shall apply to all property within the following districts: CAMP and I Districts Utility distribution facilities shall be specifically excluded from all other districts.

C. Shared Use of Existing Tall Structures:

At all times, the shared use of existing utility distribution facilities shall be preferred to the construction of new towers.

(1) An applicant proposing to share use of a utility distribution facilities shall be required to submit:

(a) a completed application for a special permit

(b) documentation of intent from the owner of the existing facility to allow shared use.

(c) a site plan. The site plan shall show all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for the new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.

(d) an engineer's report certifying that the proposed shared use will not diminish the facility, and explaining what modifications, if any, will be required in order to certify the above.

(e) a completed short EAF and a completed visual EAF addendum.

(f) demonstrate that no additional noise or odor shall emanate from the facility.

(2) If an applicant proposing to share use of an existing utility distribution facility submits complete and satisfactory documentation in accordance

with subsection C(1) above, and if modifications indicated according to subsection C(1) are deemed insignificant by the Board, after the Board conducts a hearing and complies with all SEQRA provisions, the board shall grant a special permit without further review under this section. If the board determines that any modifications indicated according to subsection C(1) are significant, it may require further review according to subsections H through Q below.

D. New Utility Distribution Facilities:

The Board may consider new utility distribution facilities when the applicant demonstrates that shared use of existing facilities is impractical. An applicant shall be required to present an adequate report inventorying all existing utility distribution facilities within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a new facility. The report shall demonstrate good faith efforts to secure shared use from the owner of each as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.

E. Shared Usage of an Existing Utility Distribution Facilities: Reserved.

F. New Utility Distribution Facilities at New Location:

The Board may consider new utility distribution facilities on a site not previously developed with an existing utility distribution facility when the applicant demonstrates that shared use of existing facilities is impractical, and submits a report as described in subsection D above; and when the Board determines that shared use of an existing utility distribution facility is undesirable based upon the applicant's investigation in accordance with subsection E. Any proposal for a new utility distribution facility shall also be subject to the requirements of subsections G through P below.

G. New Utility Distribution Facility: Future Shared Use:

The applicant shall design a proposed new utility distribution facilities to accommodate future demand for transmission for such facility. The applicant shall submit to the Board a letter of intent committing the owner of the proposed utility distribution facility and his/her/its successors in interest, to negotiate in good faith for shared use of the proposed utility distribution facility by other utility providers in the future. This letter shall be filed with the Zoning Officer prior to issuance of a building permit. The letter shall commit the new utility distribution facility and his/her/its successor in interest to:

- (1) Respond within 90 days to a request for information from a potential shared-use applicant.

(2) Negotiate in good faith concerning future requests for shared use of the new tower by other utility providers.

(3) Allow shared use of the new utility distribution facility if another utility provider agrees in writing to pay reasonable charges. The charge may include but is not limited to a pro rata-shares of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the utility distribution facilities or equipment to accommodate shared use.

H. Site Plan Review: Submission Requirements:

The applicant shall submit the following:

(1) An applicant shall be required to submit a site plan which shall show all existing and proposed structures including lighting and improvements including roads, buildings, tower(s), guy wires and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.

(2) The plan shall insure that the utility distribution facilities shall be in a completely enclosed structure which conforms in character and appearance to other buildings, located within 1500 feet of the proposed structure.

(3) The facility plan shall show that the facility shall be located at least 500 feet from any property boundary line and at least 750 feet from any current structure.

(4) The facility plan shall show that it does not involve business offices, storage areas or structures requiring trucking or other truck movements.

(5) Supporting Documentation - The applicant shall submit a complete short EAF, a complete Visual Assessment Form (visual EAF addendum), Noise Assessment form (noise EAF addendum) and documentation on the proposed intent and capacity of use as well as a justification for the height of any utility distribution facilities and justification for any clearing required.

I. Lot Size and Setbacks:

All proposed utility distribution facilities accessory structures shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially preserve the privacy of any adjoining residential properties.

(1) Lot size of parcels containing a utility distribution facilities shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire area required shall be leased from a single parcel unless the Board determines that this provision may be waived.

(2) Utility Distribution Facilities shall be located with a minimum setback from any property line equal to at least five hundred (500) feet and seven hundred fifty (750) feet from any existing structure. Accessory buildings shall comply with minimum setback requirements in the underlying zoning district.

J. Visual/Noise/Odor Impact Assessments:

The Board may require the applicant to undertake visual and noise impact assessments which may include:

(1) A Zone of Visibility Map and/or Zone of Noise Penetration and/or Zone of Odor Penetration Map shall be provided in order to determine where the facility may be seen and what noise or odor will be emanating from it.

(2) Pictorial representations of before and after view from any key viewpoints both inside and outside of the town including but not limited to: state highways and other major roads, state and local parks, Chautauqua Lake, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the key sites at a presubmission conference with the applicant.

(3) Assessment of the alternative tower designs and color schemes, as described in subsection K below.

(4) Engineering studies showing likely noise impacts upon properties within a 2000 radius of the facility as well as alternate designs to reduce or eliminate the transmission of noise to areas outside the walls of the utility distribution facilities.

(5) Studies to show that no odor will emanate from the facility.

K. New Facility Design:

Alternate designs shall be considered for new facilities including underground. The design of a proposed new utility distribution facility shall comply with the following:

- (1) Any new utility distribution facilities shall be designed to accommodate future shared use by other utility providers.
- (2) Unless specifically required by other regulations, a utility distribution facility shall have a finish that minimizes its degree of visual impact.
- (3) The maximum height of any new utility distribution facility shall not exceed that which shall permit operation without artificial lighting of any kind or nature except as required by state, and/or federal law and/or regulation. The Board and its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
- (4) No Lighting shall be permitted unless required by the State or Federal Law. If facility lighting is necessary, the applicant shall fully disclose to the Board all lighting options. Only the minimal amount of lighting necessary to meet state, and/or federal laws and/or regulations shall be authorized. Light pollution or light spillover to the nearby and distant properties shall be minimized to the greatest degree possible by use of shielding. The Board shall upon review approve only the lighting scheme that it determines to be least obtrusive to the affective properties.
- (5) The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of any new utility distribution facility, the cost of which shall be paid by applicant.
- (6) Accessory building shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
- (7) A sign shall be conspicuously placed near the base of a utility distribution facility and it shall generally state that danger exists and that no access is permitted. No portion of any utility distribution facility or accessory building shall be used for a sign other than as stated or for any other advertising purpose, including but not limited to: company name, phone numbers banners, and streamers.
- (8) No noise shall be permitted to extend beyond the premises except at a level of no more than 45 d.b.a. for more than 30 minutes in a 24 hour period. The applicant shall fully disclose to the Board all noise options. Only the minimal amount of noise necessary shall be authorized. Noise pollution to nearby and distant properties shall be minimized to the greatest degree possible by use of shielding, burying or noise making devices, insulation, buildings and the use of technology. The Board shall upon review approve only the noise levels and scheme that it determines to be least obtrusive to the affected properties.

(9) No odor shall be permitted to extend beyond the premises. The applicant shall fully disclose to the Board all potential odor problems. Odor pollution to the nearby and distant properties shall be prohibited by the use of appropriate devices. The Board shall upon review approve only the odor levels and schemes that it determines to be least likely to allow odors to extend to adjacent or distant properties.

L. Existing Vegetation:

Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding (4) inches in diameter (measured at a height four (4) feet off the ground), shall take place prior to the approval of the special permit.

M. Screening:

Facades may be required to be built and deciduous or evergreen trees planting may be required to screen portions of the facility and accessory buildings 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, facades and screening shall be required where the facility is located above ground.

N. Access:

Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

O. Parking. Parking shall be provided to assure adequate emergency and service access. The board shall determine the number of required spaces based upon a recommendation from the applicant. Two parking spaces shall be located in any required yard.

P. Fencing:

The facility shall be adequately enclosed by a fence, the design of which shall be approved by the Board. This requirement may be waived by the Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

Q. Inspections and Removal:

Periodic inspections of all towers shall be required every five years. Inspections shall be conducted by a licensed engineer at the owner's expense. Based on the results of an inspection, repair or removal of a facility may be required. Utility distribution facility owners shall remove all facilities and accessory buildings that are unused for a twelve month period. Utility Distribution Facility owners shall notify the building inspector of such nonuse. Removal shall be within six (6) months of written notification to the Town

or within 90 days of notification by the Town. Owners may request a special use permit hearing to request an extension of time for removal for just cause. Failure to notify and/or remove an unused utility distribution facility in accordance with these regulations shall be a violation of this Chapter and shall be punishable according to Article XIV of this Chapter.

12. The first sentence of Subparagraph 2 of Section 91-302. ZONING DISTRICT BOUNDARIES is amended to read as follows:

CR-All that portion of the Town of Busti which is not located within the MR, LC, HC, GC, I, or LMR districts and which lies northerly of a line extending generally from west to east across the Town of Busti as follows: Commencing at a point in the westerly town boundary 500 feet southerly of the centerline of Demmings Road; running thence easterly, parallel with Demmings Road, but 500 feet from the centerline thereof, to a point in the centerline of Wellman Road which point is 500 feet from the intersection of the centerline of Wellman Road with the centerline of Demmings Road; running thence southerly along the centerline of Wellman Road to a point which is located 500 feet et southerly of the intersection of the centerlines of Wellman Road and Cowing Road; running thence along a line which is parallel to Cowing Road but located 500 feet from the centerline thereof to a point in the centerline of Southwestern Drive located 500 feet southerly from the intersection of the centerlines of Cowing Road and Southwestern Drive; running thence southerly to a point in the centerline of Southwestern Drive which point is 500 feet southerly of the centerline of Trask Road; running thence easterly parallel to the centerline of Trask Road along a line located 500 feet: therefrom to a point which is also located 350 feet from the centerline of Southwestern Drive; running thence southerly along a line which is parallel to Southwestern Drive but located 350 feet easterly thereof to a point located 500 feet southerly of the centerline of Orr Street; running thence northerly parallel to the centerline of Orr Street but 500 feet , therefrom to a point located 500 feet to the south of the southerly boundary of premises belonging to Niagara Mohawk Power Corporation and utilized for the purpose of a 115 Kilovolt electrical power transmission line; running thence easterly 500 feet southerly from the southerly boundary of said Niagara Mohawk Corporation to premises, but parallel thereto, to the easterly boundary of the Town of Busti.

13. Subparagraph (b) of subparagraph (10) of Section 91-302. ZONING DISTRICT BOUNDARIES is amended to read:

(b) Starting at the intersection of state Routes 394 and 474; running thence southwesterly along the center line of State Route 474, 500 feet to a point; running thence northwesterly along a line parallel to Route 394 but 500 feet therefrom to the intersection of the town boundary line with the Town of North Harmony to a point 500 feet from the centerline of Route 394; running thence northerly along the town boundary to the centerline of Route 394, running thence easterly along Route 394 to t he point or place of beginning.

14. The following is added to subparagraph (7) of Section 91-302. DISTRICT BOUNDARIES:

(i) All that portion of the Town of Busti bounded as follows: Beginning at the point of the intersection of the center lines of Lawson Road and Busti-Sugargrove Road; running thence easterly along the centerline of Lawson Road 750 feet to a point; running thence southerly parallel to the Busti-Sugargrove Road but 250 feet from the centerline thereof to a point located 250 feet from the centerline of the Lawson Road; running thence westerly to the centerline of the Busti-Sugargrove Road; running thence along the centerline of the Busti-Sugargrove Road 250 feet to the place or point of beginning.

15. This local law shall take effect immediately upon it being filed with the New York Secretary of State.