

§ 300-34. LI Light Industrial District.

- A. Intent. The purpose of the Light Industrial District is to provide areas which may accommodate certain nonnuisance industrial uses, as well as to provide local employment opportunities. This district is suitable for areas with adequate utilities, proximity to adequate transportation facilities and proper relationship to other land uses and natural features. Industrial uses should have characteristics which are compatible with the rural/suburban character of the Town and should be appropriately sited, such as in industrial parks. Industrial uses may include those in manufacturing and production utilizing previously prepared materials, but not those utilizing raw materials or any other process or activity which would result in or cause dissemination of excessive amounts of dust, smoke, gas, fumes, odors, noise, glare, vibration or any other nuisance to adjacent buildings or land. This district specifically excludes residences. **[Amended 6-25-2008 by L.L. No. 9-2008]**
- B. Permitted principal uses. All permitted uses are subject to Occupational Safety and Health Act and National Fire Safety Code regulations. The following principal uses are permitted in the LI Light Industrial District:
- (1) Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - (2) Manufacture of electronic or optical instruments or devices.
 - (3) Administrative, professional or executive offices.
 - (4) Printing, publishing and bookbinding.
 - (5) Fabrication of paper products, including packaging materials, office and household paper supplies and stationery.
 - (6) Light manufacturing, processing, fabrication, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather and metals produced elsewhere.
 - (7) The processing and fabrication of plastics and plastic products, including product design and development, molding, mold repairs and alterations, finishing and packaging of plastics and plastic-related products.
 - (8) Welding and welding-related activities, provided that these activities are situated in protective rooms with adequate ventilation. Materials shall be stored in fireproof cabinets.
 - (9) Adult uses.
 - (10) Commercial storage establishments. **[Added 10-22-2003 by L.L. No. 12-2003]**
 - (11) Self-service storage facility. **[Added 2-26-2014 by L.L. No. 2-2014]**
 - (12) Commercial indoor recreational uses. **[Added 10-22-2014 by L.L. No.**

4-2014]

- (13) Solar energy systems. **[Added 2-22-2017 by L.L. No. 2-2017]**
- C. Permitted accessory uses. The following accessory uses shall be permitted in the LI Light Industrial District:
- (1) Customary accessory uses and buildings.
 - (2) Retail outlets when directly associated with manufacturing process. **[Added 10-22-2003 by L.L. No. 12-2003]**
 - (3) Restaurant uses. **[Added 10-22-2003 by L.L. No. 12-2003]**
- D. Conditional uses. Uses similar in character but not specifically listed as permitted in the Light Industrial District must apply to the Zoning Board of Appeals for conditional use approval. Such approval shall be granted in accordance with Article XI of this chapter and upon a finding by the Zoning Board of Appeals that said use is of the same general character of the above permitted uses and is in accordance with the stated purpose of this district.
- E. Prohibited uses. The following uses are specifically prohibited in the LI Light Industrial District:
- (1) Residential use. **[Amended 10-22-2003 by L.L. No. 12-2003]**
 - (2) Manufacturing of explosives, acetylene, gas, oxygen, plaster, disinfectants, insecticides, asphalt, soap, ammonia, bleaching powder, cement, lime, acid, tallow, grease, oils, glue, fertilizer or chemicals emitting corrosive or toxic fumes.
 - (3) Any land use, process or activity which would result in or cause dissemination of excessive amounts of dust, smoke, gas, fumes, odors, noise, glare or vibration or any other nuisance to adjacent buildings or land.
 - (4) Processing, storage or disposal of hazardous wastes or of coal, coke and fuel oils.
 - (5) Fabrication methods using explosive forming.
 - (6) Any use which may be detrimental to the health, welfare and safety of residents of the surrounding areas.
 - (7) Any use, even if allowed as a permitted use, which does not meet the performance standards as described in this chapter.
 - (8) Any use not specifically permitted in this zone pursuant to Subsections B, C and D above. **[Amended 2-9-2011 by L.L. No. 5-2011]**
 - (9) Mining. **[Added 12-14-2005 by L.L. No. 9-2005]**
- F. Performance standards. No industrial use shall be established or maintained unless

it complies with the performance standards in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.

(1) Noise.

(a) Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through the sound-level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute.

(b) The following uses and activities shall be exempt from these noise regulations:

[1] Temporary construction noises between the hours of 7:00 a.m. and 8:00 p.m.

[2] Transient noises of moving sources, such as automobiles, trucks and railroads.

[3] Noises from safety signals, warning devices and emergency pressure relief valves.

(c) Where an industrial district abuts a residential district, no person, firm or corporation shall allow the emission of sound in air which, as measured at the property lines, has a sound level in excess of 60 decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m. and in excess of 50 decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m.

(2) Smoke. The density of smoke and other atmospheric pollutants shall be measured by the Ringelmann Chart as published by the United States Bureau of Mines. No person, firm or corporation shall permit the emission of smoke or any other atmospheric pollutant, from any source whatever, for a period or periods aggregating more than four minutes in any one hour which exceeds the density or equivalent opacity of No. 1 on the Ringelmann Chart as measured at the point of emission. The emission of smoke or any other atmospheric pollutant shall not be permitted, regardless of quantity, if it is in any way detrimental to the public health or safety or is a source of damage to property.

(3) Particulate matter. No person, firm or corporation shall permit the emission of any particulate matter, from any source whatever, to exceed one pound per hour per acre of lot area. The emission from all sources within any lot area of particulate matter containing more than 10% of particles having a diameter larger than 44 microns is prohibited.

(4) Odor. No person, firm or corporation, excluding farms and farm operations, shall permit the emission of any offensive odor at the property line of the lot from which the odor is emitted.

- (5) Fire and explosion. The storage, utilization or manufacture of detonable materials shall not be permitted. The storage and utilization of flammable liquids or materials shall be in conformance with the applicable regulations set forth in the New York State Uniform Fire Prevention and Building Code.
- (6) Electromagnetic interference. No land use or operation shall be allowed which produces any perceptible electromagnetic interference with normal radio or television reception outside the boundaries of the lot on which such use or operation takes place.
- (7) Electromagnetic radiation. No land use or operation shall be allowed which produces electromagnetic radiation which does not comply with the current requirements of the Federal Communications Commission or with the standards of the American National Standards Institute.
- (8) Heat. No emission of heat shall be permitted which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or body of water.
- (9) Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases or other matter outside the building in which the use is conducted.
- (10) Radiation. No emission, discharge or storage of radioactive gases, liquids or solids shall be permitted.
- (11) Vibration. No activity shall cause or create a steady state or impact vibration discernible at any lot line.
- (12) Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects. All wastes are to be properly stored and removed weekly.
- (13) Lights. All exterior lighting in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Planning Board in acting on any site plan. No use shall produce glare so as to cause illumination beyond the property on which it is located in excess of 0.5 footcandle.
- (14) Industrial storage. Materials, supplies and products shall not be stored in any front or side yard area nor in any required yard. All outside storage areas shall be neatly kept, fenced, lighted and screened from any existing or proposed road or any adjoining district.

- (15) Commercial storage. Materials, supplies and products shall be stored in the rear half of the property but not in any required yard and shall be screened from any existing or proposed road or any adjoining residential area.
- (16) Fences. The Planning Board may require the fencing or screening, or both, of any hazardous or potentially dangerous conditions which in the opinion of the Board might cause injury to persons or damage to property. Refer also to the fencing regulations of this chapter.¹
- (17) Edible products. All edible products or materials for human or nonhuman consumption or used in manufacturing shall be maintained free of all vermin and insects.
- (18) The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this chapter.

G. Performance standards procedures.

- (1) In the case of any application for the establishment of a use subject to the performance standards, the Planning Board may require the applicant, at the applicant's own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.
- (2) If the Planning Board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of the applicant's application. The report of any expert consultants shall be promptly furnished to the applicant.
- (3) During the course of site plan review, the Planning Board will determine if the applicant's proposal will conform to the performance standards.

H. Performance standard enforcement. If, in the judgment of the Code Enforcement Officer or of the Town Board, there is a violation of the performance standards:²

- (1) The Code Enforcement Officer shall give written notice, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within 10 days of the date of receipt. The notice shall state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate and that, if it is determined that no violation exists, costs of determination will be borne by the Town.

1. Editor's Note: See § 300-50, Fences.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) If, within the ten-day time limit, there is no reply but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, such officer shall note "violation corrected" on the copy of the notice to be retained for recordkeeping purposes.
- (3) If there is no reply within the ten-day time limit and the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit, such officer shall proceed to take action in accordance with the provisions of this chapter.

I. Additional provisions and requirements.

- (1) All processes shall take place within an enclosed building. Incidental storage out-of-doors shall be shielded from view from public streets, adjacent off-street parking areas and neighboring properties by fencing, landscaping, earth berms or other appropriate measures.
- (2) Provision of landscaped malls. As a condition to the issuance of a building permit for any use in a Light Industrial District, the owner shall construct a mall at least 20 feet in width, measured at right angles to the highway, immediately adjacent to the highway on which the lands to be used commercially abut, along the entire frontage of the owner's property. When necessary, such mall shall have concrete curbs or similar structures at least six inches high, one on each side of said mall, to prevent vehicles from driving over the mall. The owner shall plant such mall with grass or other plants for ground cover and shall, if required by the Planning Board, plant trees thereon. A maximum of 25% of the frontage may be excluded from the mall for private access drives.
- (3) All uses in this district shall set aside not less than 30% of the lot to be devoted to seeding, planting, retention of tree cover or other landscaping. This area shall be used for no other purpose.
- (4) Whenever a permitted use in the Light Industrial District abuts any residential district, a landscaped area 100 feet in width must be provided along the full length of the adjacency. Whenever a permitted use in the Light Industrial District is located adjacent to any commercial district, a landscaped area 50 feet in width must be provided along the full length of the adjacency. A ten-foot-wide buffer area shall be planted and perpetually maintained so as to visually and audibly screen the industrial activity from the adjacent district as per the buffering requirements of this chapter.
- (5) Site plan approval by the Planning Board shall be required in the Light Industrial District for all new uses, changes in use and construction or alteration which would increase the gross floor area by 15% or more. The performance standards listed in this section shall be considered during site plan review, in addition to the standard criteria. Said review process shall include a public hearing for site plan approval in accordance with the provisions of § 276 of the Town Law. **[Amended 6-25-2008 by L.L. No. 9-2008³]**

- J. Lot and building area requirements. Requirements shall be as follows:
- (1) Lot area: a minimum of 62,500 square feet.
 - (2) Lot width: a minimum of 250 feet.
 - (3) Lot depth: a minimum of 250 feet.
 - (4) Front setback:
 - (a) Internal or subdivision streets: a minimum of 60 feet. **[Amended 10-22-2003 by L.L. No. 12-2003]**
 - (b) Existing arterial or collector highways: a minimum of 100 feet.
 - (c) On parcels of five acres or less, the minimum setback for parking lots only shall be reduced to 25 feet. **[Added 2-9-2011 by L.L. No. 4-2011]**
 - (5) Side setback: a minimum of 30 feet. On parcels of five acres or less, the minimum setback for parking lots only shall be reduced to 25 feet. **[Amended 2-9-2011 by L.L. No. 4-2011]**
 - (6) Rear setback: a minimum of 50 feet. This rear setback requirement shall be exclusive of and in addition to any required buffer area as required in Subsection I(3) of this section. On parcels of five acres or less, the minimum setback for parking lots only shall be reduced to 25 feet. **[Amended 2-9-2011 by L.L. No. 4-2011]**
 - (7) Lot coverage.
 - (a) The maximum lot coverage by buildings and structures shall be 35% of the total lot area.
 - (b) The maximum lot coverage by buildings, structures and parking areas shall be 70% of the total lot area.
 - (8) The maximum building height shall be 35 feet and shall not exceed 2 1/2 stories.⁴
- K. Off-street parking and loading requirements. The following standards shall be used as a guide for the provision of off-street parking and loading facilities. The Planning Board may, during site plan review, increase or decrease these standards for specific uses.
- (1) Off-street parking spaces shall be required as provided in the Schedule of Off-Street Parking Requirements in § 300-80.⁵
 - (2) Off-street loading requirements shall be as follows:

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (a) The Planning Board may require off-street loading spaces at its discretion based on an examination of a proposed facility's usage, likelihood of truck traffic and arrangement of buildings and parking areas.
- (b) Each loading space shall not be less than 14 feet in width, 60 feet in length and 13 1/2 feet in height.
- (c) These requirements apply to each separate occupancy and are exclusive of driveways, aisles and other necessary circulation areas.
- (d) Provisions for off-street loading shall be on those sides of any building which do not face any streets or proposed streets. The Planning Board shall have the discretion of waving this requirement based on the individual circumstances of the lot and structure under review.