

# Town of Lincoln Comprehensive Plan

December 2009



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## INTRODUCTION

The Town of Lincoln first enacted a Comprehensive Plan in 1997. The Plan was a product of more than a year's work by the Town of Lincoln Planning Board and the Town of Lincoln Citizens Advisory Committee, which was established pursuant to resolution of the Town of Lincoln Town Board. The purpose and function of the Citizens Advisory Committee was to provide input to the Planning Board from a cross-section of Town residents representing farming and business interests and hamlet and rural residents.

A review and revision of the 1997 Comprehensive Plan was undertaken by a special appointed committee ("Committee") in 2008 and 2009. Members of the Committee, comprised of a mix of current Planning Board and Town Board members, examined current land uses within the Town and met with representatives of the agricultural and mining businesses within the Town. The Committee has analyzed the identifiable land use trends in the Town and has further identified potential issues and concerns arising out of those trends, and has developed a list of general recommendations to address those issues and concerns. This document is a compilation and summary of the information gathered by the members of the Committee and the product of their discussions.

## **SCOPE OF THE COMPREHENSIVE PLAN**

As set forth in Article 16 of the New York State Town Law, the intent of a comprehensive plan, and in this case an update to such a plan, is to establish a consensus about a community's future, prepare it for future demographic and economic changes, protect its natural and agricultural resources, and provide direction to the Town and other governmental agencies in the consideration and enactment of future land use policies and regulations. Under the State enabling statutes, land use regulations must be in accordance with a comprehensive plan. As such, land use regulations are a tool for the implementation of goals and objectives stated in a comprehensive plan.

New York State Town Law §272-a grants all towns the authority and responsibility to prepare and adopt comprehensive plans. As defined by the State statutes, a comprehensive plan is a document that presents goals, objectives, guidelines and policies for the immediate and long-range protections, enhancement, growth and development of the community. Also sometimes referred to as a master plan or land use plan, a comprehensive plan provides guidance to town leaders and helps to ensure that the needs of the community will be adequately addressed in the future.

While the State enabling statutes establish no required format for the content of a comprehensive plan, it is suggested that the plan include, among other things, a general statement of goals, objectives, principals and policies, as well as the consideration of existing and proposed land uses, agricultural, historical and cultural resources, sensitive environmental areas, population and demographic trends, location and types of transportation facilities, public and private utilities and infrastructure and existing and future housing resources and needs.

The Town's current Land Use Regulations, known as the "Town of Lincoln Land Management Law", were first enacted in 1989, following a review and analysis of land use patterns existing at that time. Included as an appendix to the 1999 Comprehensive Plan is a comprehensive revision of the Town of Lincoln Land Management Law, which was adopted substantially as proposed and which significantly modified the 1989 Land Management Law. The Committee reviewed the studies and maps that were prepared in 1999, and then determined new or modified uses over the ten years since the adoption of the 1999 Plan. The Committee also reviewed and analyzed published data regarding land use, population and demographic trends to compile a factual basis for the conclusions stated in this report. The analysis conducted by the Committee and the layout of this comprehensive plan, is essentially structured under a three part process as follows:

- I. Identify current land uses and land use trends;
- II. Identify issues of concern in the current land uses and the identified land use trends; and
- III. Identify potential recommendations to address the stated issues.

# **I. IDENTIFICATION OF CURRENT LAND USES**

## **A. HISTORICAL BACKGROUND**

The Town of Lincoln, named after President Abraham Lincoln, was formed in 1896, when the Town of Lenox was divided into the Town of Lenox, Town of Lincoln, and the Town of Oneida. Prior to 1896, the Town of Lenox was the largest township in both population and area (approximately 50,000 acres) in Madison County. Upon its creation in May 1896, the Town of Lincoln contained 14,889 acres with a population of 1,100 residents.

Settlers first came to the area after the Revolutionary War, and were drawn to the area for its fertile land, ample forests and swift-flowing streams. In 1806 Madison County was formed, and just three years later the Town of Lenox was created. By the mid-1800s several hamlets and town centers had been established: Alene, Clockville, Cottons, Lenox Furnace and Merrillsville. The Canastota-Peterboro Highway (formerly known as Stone Road and currently known as Oxbow Road), a toll road that traversed the Town of Lincoln, provided a direct route between Peterboro and Canastota, which was a port on the Erie Canal.

Today, Oxbow Road continues to be one of the most traveled roads in the township, as it is the shortest route between the Thruway, Route 5 and Route 20. The Lehigh Valley Railroad, which was established in 1869 and also passed through the Town of Lincoln, provided transportation for both passengers and goods between Cazenovia and Canastota. In addition, the availability of water power from nearby creeks contributed to the growth of factories and businesses, such as saw mills, grist mills, cheese factories, potasheries, tanneries, blacksmith shops, canning factories and a plaster

factory, in the area. A hay fork and rake factory that was originally located in Clockville was especially profitable and successful, and as a result, the business moved to Canastota in the late 1800s. The success of local businesses and mills caused these hamlets to flourish in the latter half of the nineteenth century, and post offices, hotels, schools and churches were established to meet the needs of the growing population.

However, these hamlets, which had thrived in the mid to late 1800s, began to decline in the early 1900s. When water power was no longer needed to power the mills and factories, business dwindled and the once flourishing mills and factories in Lincoln either closed down or



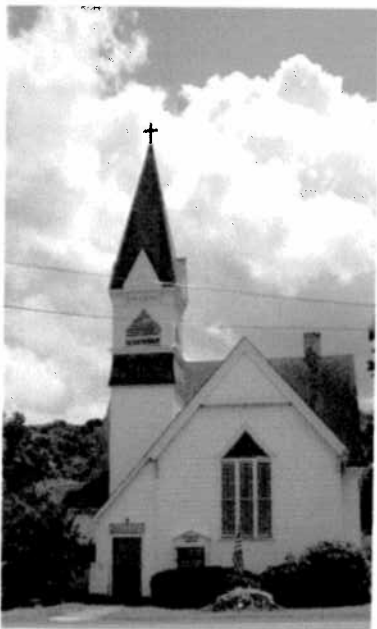
relocated. In addition, the local schools were closed in the mid-twentieth century, when they were centralized with the Canastota and Stockbridge Valley districts. Despite the decline in industrial activity within the Town during the twentieth century, farming continued to be viable and the predominant land use in the Town until about the time of World War II. While farming continues to be an economic mainstay of the Town, in the past fifty years both the number of farms and total farmland acreage in the Town has declined significantly. Today, dairy farms, equestrian farms and small family farms that produce fruits and vegetables and raise livestock are typical in the Town.

## B. GEOGRAPHIC BACKGROUND

The Town of Lincoln is located in the north central portion of Madison County. It is bordered by the Town of Lenox to the north, the City of Oneida and Town of Stockbridge to the east, the Towns of Fenner and Smithfield to the south and the Town of Sullivan to the west. The Town is transitionally located between the more heavily populated and densely developed “Route 5 corridor” just several miles north of its northern boundary, and the less populated, but more numerous townships located in the more rural southern portion of Madison County.



There are no incorporated villages within the Town, although within its borders



are the unincorporated hamlets of Clockville, Lenox Furnace and Merrillville, as well as a portion of the hamlet of Perryville. The historical “town center” is the hamlet of Clockville, which is the largest of the several hamlets, having the greatest number and concentration of homes and other structures, including a Methodist Church, the Lincoln Fire House, and the converted and historically renovated schoolhouse, which now serves as the Lincoln Town Hall.



Clockville is transected north and south by County Route 25 (“Oxbow Road”) and east and west by County Routes 16, 27, and 92 (Cottons Road,



Timmerman Road and Clockville Road). Although served by no state highways, County Routes 20 (Ingalls Corners Road), 54 (Buyea Road), 29 (Creek Road) and 34 (Burleson Road), 100 (Mt. Hope Avenue) and 18 (Fairview Avenue) also serve the Township, along with a number of Town roads. The Town has no public facilities for rail or air travel, although limited public bus service is available through the Madison County Transit System. The Town currently has no public sewer or utility natural gas line service, although a small area in the northern part of the Town adjoining the Town of Lenox is served by a public water main operated by the Onondaga County Water Authority.



A geological formation described in the Madison County Soil Survey as the Helderberg Escarpment, a steep, north-facing slope of sometimes exposed limestone bedrock, traverses the Town in an east-west direction just south of the Hamlet of Clockville. The Escarpment forms the boundary between the Ontario lowland plain to the north and the Appalachian uplands to the south. This accounts for the low hills and sloping terrain in the

northern part of the Town, and the higher elevations and steeper hills to the south. With the exception of some narrow stream flood plain areas, most of the Town's topography is hilly or sloping.

### **C. POPULATION AND DEMOGRAPHIC BACKGROUND**

The Town's population according to the 2000 census is 1,818, with 663 households<sup>1</sup> in the Town. Approximately one-third of the Town's residents are 24 years of age or younger. There are a total of 700 total housing units in the Town, 663 (94.7%) of which are occupied. Of the 663 occupied housing units, 575 (86.7%) are occupied by the owner and 88 (13.32%) are occupied by a renter. Only nine units (1.3% of all occupied units) are for seasonal, recreational, or occasional use. Of those residences that are owner occupied, the greatest concentration (56.4%) of households by property value is in the \$50,000 to \$99,999 range, while the median value of owner-occupied housing units is \$86,000. In terms of household income, about 70% of households earn between \$15,000 and \$74,999 per year. Approximately 8% of households earn less than \$15,000, while approximately 22% earn \$75,000 or more. The median household income in 1999



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<sup>1</sup> According to the U.S. Census Bureau, "A household includes all the people who occupy a housing unit as their usual place of residence."

was \$46,023. Approximately 64.3% of residents who are employed work in management, professional, service, sales, and office occupations, while 21.5% work in production, transportation, and material moving occupations. The mean travel time to work is 22.5 minutes.

#### **D. CURRENT LAND USES AND TRENDS**

As it was at the time of the 1999 plan, the Town is predominantly rural in nature and is predominated by large tracts of undeveloped land. Agriculture has traditionally been the predominant land use within both the Town and County. While the number of dairy farms decreased in Madison County between 2002 and 2007 from 238 to 198 farms, the 2007 U.S. Census of Agriculture indicates that the total number of farms



increased by ten farms (a 1% increase) in those same years. In addition, there are approximately 20,000 more acres of farmland (a 12% increase) in 2007 than there was in 2002, and the average farm size has increased by approximately twenty-four acres. While low milk prices and increasing input costs contributed to the decline in dairy farming in recent years, the Madison County Cooperative Extension believes that the recent influx of Amish farmers, along with more farms producing value-added items and participating in community supported agriculture, have contributed to the overall increase of farms in Madison County. The 2007 Census of Agriculture shows that the market value of production has also increased about 40% – from \$61,604,000 in 2002 to \$86,331,000 in 2007. Further, livestock and poultry sales account for 81% of the market value of production, while crop sales, including nursery and greenhouse, account for 19%.

Despite these positive indicators in recent years, these figures still represent a drastic decrease in both the number of farms and farmland acreage over the past fifty years. Between 1959 and 2007 there was a 56% decrease in the number of farms and a 38% decrease in the total farmland acreage. In light of these figures, Madison County has made agriculture and farmland preservation a priority. In July 2005 the Madison County Farmland Protection Board released the *Madison County Agriculture and Farmland Protection Plan*, which notes that “the County’s agricultural base is experiencing profound changes of both an economic and social nature,” and in turn, it seeks to “address the changes that are taking place in [Madison County’s] agricultural economy,” by sustaining farm and land resources, keeping farms in operation, and informing and engaging the public in local agriculture – its history, culture, and practice.

Dairy farming has historically been the county's leading agricultural enterprise; however, as indicated above, the dairy sector's dominance had declined significantly in



Madison County over the past fifty years, and it is expected that “a growing number of Madison County dairy farmers may exit dairy farming

altogether in the future.” An exception to this trend recently has been the recent purchase of two farms in the Town by members of the Amish faith, who, attracted by relatively low real estate prices, have moved to the Town of Lincoln and surrounding towns from Ohio and Pennsylvania. Although traditional dairy farming has declined, farms in Madison County have become increasingly diversified, and include:

- field crop and vegetable production, small livestock enterprise, equine, and other less intensive kinds of farm businesses;
- wind farm and gravel pit development, the leasing of natural gas wells, and the sale of timber from woodlands;
- the integration of on-farm processing, marketing, and distribution;
- certified organic farms, farmers' markets, u-pick operations, and community-supported agriculture;
- agritourism.

As of 2005, there were thirteen agricultural districts in the county, which included 153,000 acres (36% of the County's total land base). However, each individual district

varies based on local soil capability and the local zoning ordinances within each town. It is the intent of the Town of Lincoln to develop land use regulations that support the *Madison County Agriculture and Farmland Protection Plan* and that also represent local needs and interests. In line with the County's objectives, the Town seeks not only to preserve its agricultural and rural nature, but to encourage the development and operation of alternative agricultural enterprises.

While farming activity has been declining, residential development has been gradually increasing. Since 1999, there has been limited residential development, including the conversion of former agricultural lands to building lots, but no such development on a major scale. From 1999 through 2008, there has been an average of five subdivisions per year in the Town with a total of 124 new lots created. During those same ten years (1999 to 2008), there were a total of 62 building permits issued for new residences, an average of six per year, ranging from a high of ten in 2006, to a low of three in 2000. The number of mobile home permits issued from 1999 through 2008 totaled 30, averaging three per year, ranging from a high of seven in 2003 to a low of zero in 2000. One private windmill was erected in the Town in 2005. However, considering the national emphasis on alternative energy sources, it is anticipated that more windmill permits will be sought in the future.

The two significant and sustained industrial uses currently existing in the Town are the Madison County landfill and resource recovery facility located on Buyea Road (County Route 54), and the Callanan Industries, Inc. limestone quarry located on Tuttle Road between Oxbow Road (County Route 25) and Old County Road. This quarry operation exploits a portion of the previously noted geological formation known as the

Helderberg Escarpment. The Committee met with representatives of the Callanan Industries quarry on Tuttle Road, who shared their future expansion plans as well as their concerns over the impact of the Town's land use policies on their business operations.



In 2007, a one hundred year expansion plan was approved for the County Landfill, the only such long-term plan for a public or private landfill in the United States.



Also in 2009, a Landfill Gas-to-Energy project commenced operation to convert methane gas, a byproduct of decomposing waste in the landfill, into electricity. It is expected that the Landfill Gas Utilization Project will produce 1.3 megawatts of energy, enough to provide electricity for 1,050 homes.

Madison County, acting through the County's Industrial Development Agency, is currently pursuing plans to develop a business park on lands adjoining the County landfill to exploit the electricity and heat to be generated by the landfill's methane fueled co-generation facility. Earlier this year the Town Board, upon the advice and recommendation of the Town Planning Board, adopted legislation to expand the existing I-C zoning district to include additional County-owned lands adjoining the landfill to allow for the future development of such businesses. As part of that business development effort, the County is proposing the installation of new public water and sewer mains as shown on the map included as an Appendix to this Plan.

## **II. IDENTIFIED ISSUES**

As the data indicates, the Town of Lincoln continues to be predominantly rural in character with very minimal opportunities for active employment in the non-farm sector within the Town. As was the case in 1999, continuing development patterns are increasingly transforming the Town into a bedroom community, with residents commuting by automobile to jobs in other communities. As in the 1999 Plan, it was the consensus of the Committee that many residents of the Town live there because of its open space and scenic character, with many residents moving to the Town precisely because of these factors, and to escape development in other communities. Consequently, it is the opinion of the Committee that preservation of the rural character of the Town, the quality of its residential and agricultural life, and the preservation of its scenic and open vistas should continue to be the prime concern in any amendments of the Town's land use and zoning regulations.



The 1999 Comprehensive Plan for the Town listed the following issues of concern:

- Limitation of water resources in certain areas of the Town
- Using up available road frontage – construction of new roads
  - Hindrance of traffic flow on rural thoroughfares
  - Increased risk of accidents resulting from additional driveways, increased traffic and unregulated driveway locations
- Sewage disposal
  - Restrictions on soil capacities in portions of Town
  - Impact on water resources
- Mobile homes
- Overflow of expansion from other areas (Chittenango, Oneida Cazenovia)
- Lot size – 40,000 square feet too large? Too small?
- Strip development – spaghetti lots
- Quarries – Town should be more involved in regulation of quarries
  - Enforcing DEC rules and regulations
  - Control of dust and noise
  - Control of hours of operation
- Loss of agricultural and rural character of the Town
  - Control over lot development vs. requiring larger lot sizes
  - Resultant loss of character of “back lands” resulting from frontage development
- How to attract “clean industry”
  - Lack of water, sewer, and natural gas resources
- How to encourage active farming and farmland preservation
- Groundwater protection – all wells in the Town
- Waste disposal on lands
  - Illegal dumps
  - Sewage waste disposal
  - Agricultural waster disposal
- Need for additional fiscal resources for effective code enforcement
- Impacts of modern large scale agricultural operations
- Impacts of large scale industrial and commercial operation attracted to sparsely populated areas

In reviewing these identified issues from the 1999 Plan, it is clear that most of these issues remain in 2009. It should be noted, however, that while the last ten years has not seen a tremendous increase in the number of mobile homes placed within the Town, the current zoning plan, which presently allows mobile homes to be placed on the great

majority of parcels throughout the Town, may not be in the best long term interest of the Town, and hence should be reviewed with an eye toward preserving property values in single family residential neighborhoods. The Committee has concluded that the minimum lot size requirement should remain at 40,000 square feet. This is the practical minimum for on-site wells and septic systems, and to require larger lots would force the inclusion of more land in building lots and actually discourage the preservation of open space and farm land in some instances. Also, the issue of “spaghetti lots” has been addressed legislatively by the implementation of a maximum lot depth to lot width ratio since 1999. New and/or more narrowly defined issues are also identified in this Plan, including, not necessarily in any specific order of importance, the following:

- Impacts of a potential business park adjacent to the County Landfill and of public water and sewer lines that may be extended through the Town to service the business park.
- Impacts resulting from the presence and operation of the Madison County Landfill on Buyea Road, including traffic, noise, litter and impact on property values.
- Impacts of activities that attract large numbers of persons to sites within the Town for either temporary or permanent commercial and non-commercial land uses and activities.
- Planning for future alternative energy initiatives, including wind turbines and electricity transmission lines, natural gas well sites and transmission lines, and solar panels.
- Impacts of increase in number of home businesses.
- Need for regulation of on-site and off-site advertising signs within the Town.
- Increasing number of subdivisions and resulting loss of agricultural lands and open space.
- Increase in acreage of quarried areas and need for effective reclamation.
- Groundwater issues associated with expanded limestone mining activities.

### **III. RECOMMENDATIONS AND IMPLEMENTATION**

Overall, the Town should maintain the current use district zoning in order to maintain most of the Town's land area as agricultural, open space or residential lands, limiting significant business, commercial and industrial uses to specified areas of the Town where those uses can be conducted in a manner consistent with the orderly growth and development of the Town.

To achieve the stated goal of preserving the rural, open and scenic character of the township and enhancing the quality of residential and agricultural life in the Town, the Town should, as appropriate, also consider the following techniques and implementation of the following policies:

- Consider re-zoning of properties along routes of proposed public sewer and water lines to take into account benefits and impacts of denser residential development in these areas of the Town. A map showing suggested boundaries for re-zoning of lands from AR-2 district to AR-1 district is included as an Appendix to this Plan.
- Consider enactment of zoning regulations that would require special permits for temporary or seasonal uses that attract large numbers of persons to sites within the town for both commercial and non-commercial activities. Special permits should be required to be renewed on an annual basis to take into account changes and evolution of such uses if they occur on a repeating basis. Such regulations should not have the effect of discouraging on-farm alternative and supplemental agricultural enterprises, but requiring site plan review and special permit approval for enterprises that include significant entertainment and other non-agricultural operations not directly related to the sale of products grown and/or produced on the farm will serve to avoid adverse impacts on neighbors and neighborhoods that can be caused by such uses and activities. The concept of "agritourism" should be better defined in terms that coincide with those used by the Department of Agriculture and Markets so as not to infringe on the "right to farm" within certified agricultural districts, but also distinguish farming and marketing activities subordinate to and supportive of the growing and harvesting of crops and livestock from operations that are primarily in the nature of public recreation and entertainment. Consideration should be given to the addition of "Commercial Recreation" as a new defined use, to be permitted only as a special permit use in the AR-2 zoning district.

- Consider enhancement of “cluster zoning” subdivision regulations and enactment of other open space and incentive zoning provisions to preserve undeveloped farm land and open space without adversely impacting the value of presently undeveloped land.
- Review existing boundaries for I-C districts for limited expansion of those zones to the extent such uses can be encouraged in areas currently zoned IC, as well as adjoining areas, without adversely affecting existing residential and agricultural uses. With appropriate screening requirements and other measures to protect nearby property owners, expansion of the I-C district east of Oxbow Road and west of Old County Road to within 300 feet of each highway (versus the current 750 feet) may be appropriate.
- Implement new special permit standards for mining operations that provide effective buffering and screening from residential uses and from public highways without conflicting with applicable DEC regulations currently in effect. Such regulations could allow for landscaped berms close to roads and property lines to maximize screening effect, while maintaining sufficient setbacks for actual mining operations to minimize other adverse impacts to neighbors and the public.
- Consider implementation of zoning provisions that allow for alternative energy initiatives, including wind turbines, both commercial and private, as well as gas well exploration, without adversely affecting the environment, neighbors and neighborhoods. With respect to wind turbines, such regulations should include specific requirements for visual and noise level performance to protect neighboring property owners. Proposed new regulations for wind turbines are included in an Appendix to this Plan.
- Consider rezoning certain areas of the Town with concentrations of existing single family houses, as well as areas with the potential for future residential neighborhoods from AR-2 district to AR-1 district to limit the placement of new mobile homes in these areas and ensure the preservation of neighborhood character and property values. A map showing suggested boundaries for rezoning of lands from AR-2 district to AR-1 district is included as an Appendix to this Plan.
- Consider the adoption of town-wide sign regulations to regulate on-site and off-site advertising, including specific sizes, designs, setbacks and other relevant criteria. Proposed sign regulations are included as an Appendix to this Plan.
- Consider enactment of requirements for mandatory follow-up site inspections for developments subject to site plan and special permit approvals to ensure compliance with approved plans and conditions imposed.

- Develop and implement new regulations for placement of new communications facilities, both commercial and private, to ensure optimal placement of such facilities and to avoid adverse impacts to other properties. Proposed regulations for communications towers are included as an Appendix to this Plan.
- Review procedures for enforcement of existing regulations for buildings, junkyards, dog kennels and property maintenance to determine whether changes are advisable.

While the challenges presented by the declining farm economy and continued steady residential growth in a time of rapidly changing technology and energy policy are significant, consideration of the factors set forth in this plan should provide the framework for thoughtful amendments to the Town’s land use and zoning regulations that will help maintain property values and preserve the quality of life for Town residents well into the future.

## **REVIEW OF COMPREHENSIVE PLAN**

Following adoption, this comprehensive plan should be reviewed by the Town Board at intervals of not less than five years as measured from the original date of adoption by the Town Board.

This Comprehensive Plan is approved by resolution of the Town Board of the Town of Lincoln this 9th day of December, 2009.

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

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Councilor

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Councilor

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Councilor

# **Appendix A**

## **Population and Demographic Statistics**

# Census Data Report – Town of Lincoln

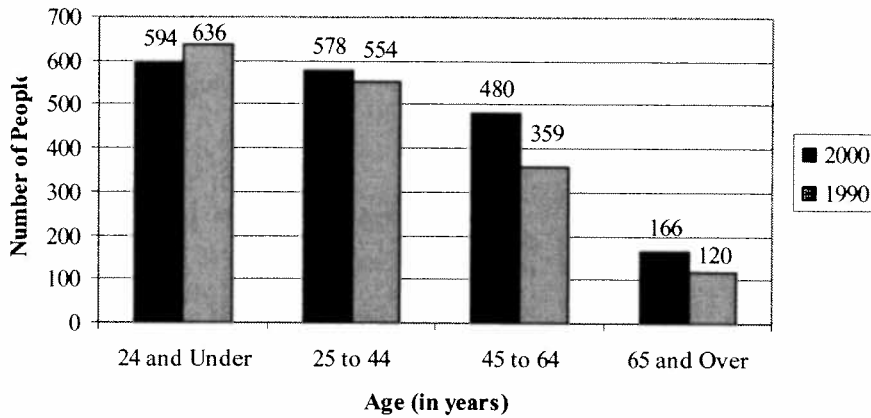
## *Population*

|   | 2000       | 1990  |
|---|------------|-------|
| <b>Total Number of People</b>                 | 1,818      | 1,669 |
| <b>Total Number of Households<sup>2</sup></b> | 663        | 556   |
| <b>Sex</b>                                    |            |       |
| Male  | 946        | 838   |
| Female  | 872        | 831   |
| <b>Race</b>                                   |            |       |
| White   | 1,781      | 1,656 |
| Black or African American                     | 4          | 2     |
| Asian   | 7          | 3     |
| American Indian and Alaska Native             | 10         | 6     |
| Other Race                                    | 6          | 2     |
| Two or More Races                             | 10         | (N/A) |
| <b>Age</b>                                    |            |       |
| 24 and Under                                  | 594        | 636   |
| 25 to 44                                      | 578        | 554   |
| 45 to 64                                      | 480        | 359   |
| 65 and Over                                   | 166        | 120   |
| Median Age                                    | 37.1 years | (N/A) |

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<sup>2</sup> According to the U.S. Census Bureau “A household includes all the people who occupy a housing unit as their usual place of residence.”

Age in 2000 and 1990



## Census Data Report – Town of Lincoln

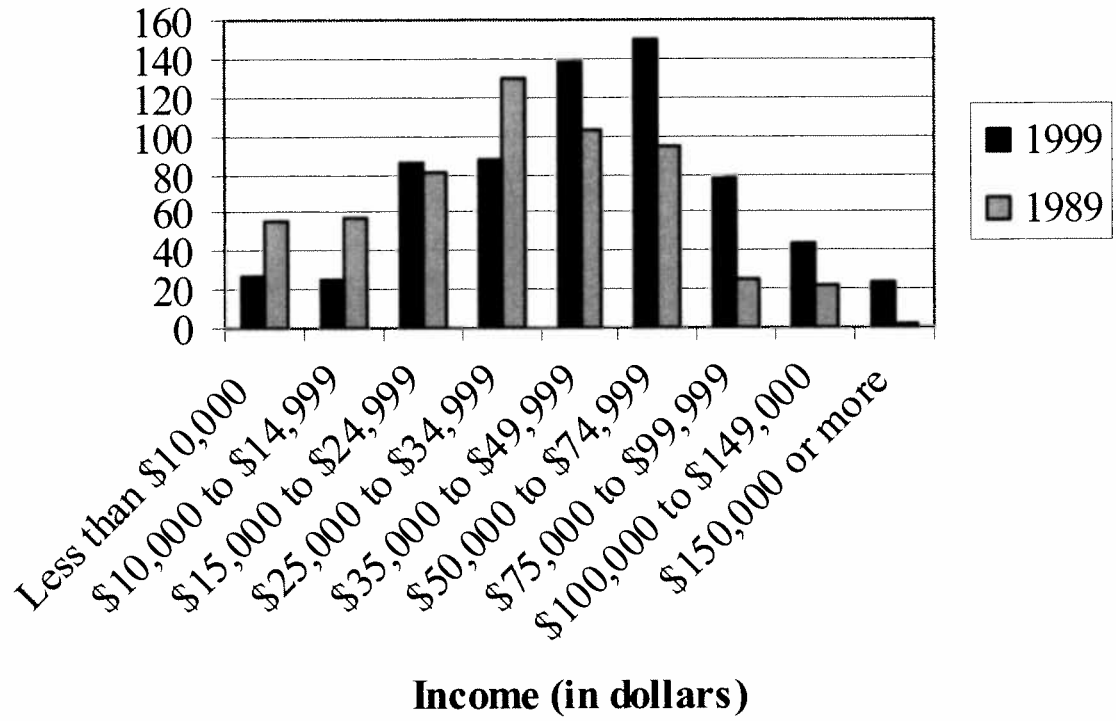
### *Income*

|                                | 1999     | 1989     |
|--------------------------------|----------|----------|
| <b>Median Household Income</b> | \$46,023 | \$32,073 |
| <b>Household Income</b>        |          |          |
| Less than \$10,000             | 27       | 55       |
| \$10,000 to \$14,999           | 26       | 57       |
| \$15,000 to \$24,999           | 86       | 81       |
| \$25,000 to \$34,999           | 88       | 130      |
| \$35,000 to \$49,999           | 138      | 103      |
| \$50,000 to \$74,999           | 150      | 94       |
| \$75,000 to \$99,999           | 77       | 26       |
| \$100,000 to \$149,999         | 44       | 22       |
| \$150,000 or more              | 24       | 2        |



## Household Income in 1999 and 1989

Number of Household:

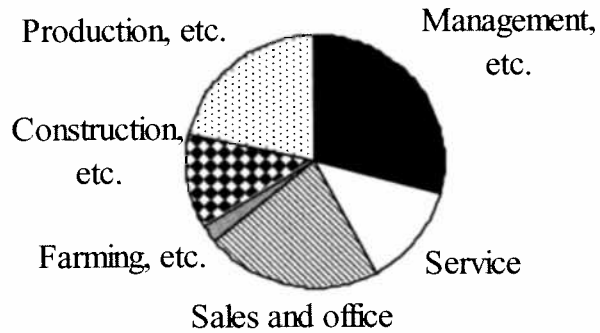


# Census Data Report – Town of Lincoln

## *Employment*

|   | 2000  | 1990    |  |  |
|---|-------|---------|--|--|
| <b>Population 16 years and over</b>                         | 1,372 | 1,239   |  |  |
| In labor force  | 941   | 903     |  |  |
| Not in labor force  | 431   | 336     |  |  |
| <b>Commuting to Work</b>                                    |       |         |  |  |
| Workers who commute to work                                 | 876   | 841     |  |  |
| Mean travel time to work (in minutes)                       | 20    | (N/A)   |  |  |
| <b>Occupations in 2000</b>                                  |       |         |  |  |
| Management, professional, and related occupations           | 259   | (29.3%) |  |  |
| Service occupations   | 114   | (12.9%) |  |  |
| Sales and office occupations                                | 196   | (22.1%) |  |  |
| Farming, fishing, and forestry occupations                  | 22    | (2.5%)  |  |  |
| Construction, extraction, and maintenance occupations       | 104   | (11.8%) |  |  |
| Production, transportation, and material moving occupations | 190   | (21.5%) |  |  |

## Occupations of Residents in 2000



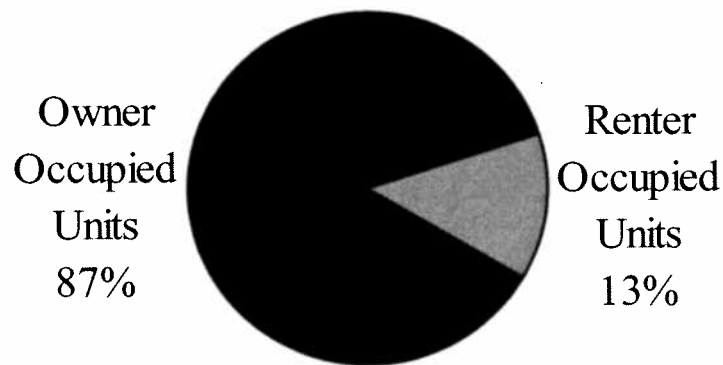
- Management, professional, and related occupations (29.3%)
- Service occupations (12.9%)
- ▨ Sales and office occupations (22.1%)
- ▩ Farming, fishing, and forestry occupations (2.5%)
- ▧ Construction, extraction, and maintenance occupations (11.8%)
- ▦ Production, transportation, and material moving occupations (21.5%)

## Census Data Report – Town of Lincoln

### *Housing*

|   | 2000 | 1990 |
|---|------|------|
| <b>Total Housing Units</b>                              | 700  | 587  |
| Occupied Housing Units                                  | 663  | 556  |
| Vacant Housing Units                                    | 37   | 31   |
| <b>For Seasonal, Recreational<br/>Or Occasional Use</b> | 9    | 6    |
| <b>Specified Owner-Occupied Units</b>                   | 575  | 479  |
| <b>Specified Renter-Occupied Units</b>                  | 88   | 77   |

### Owner and Renter Occupied Units in 2000

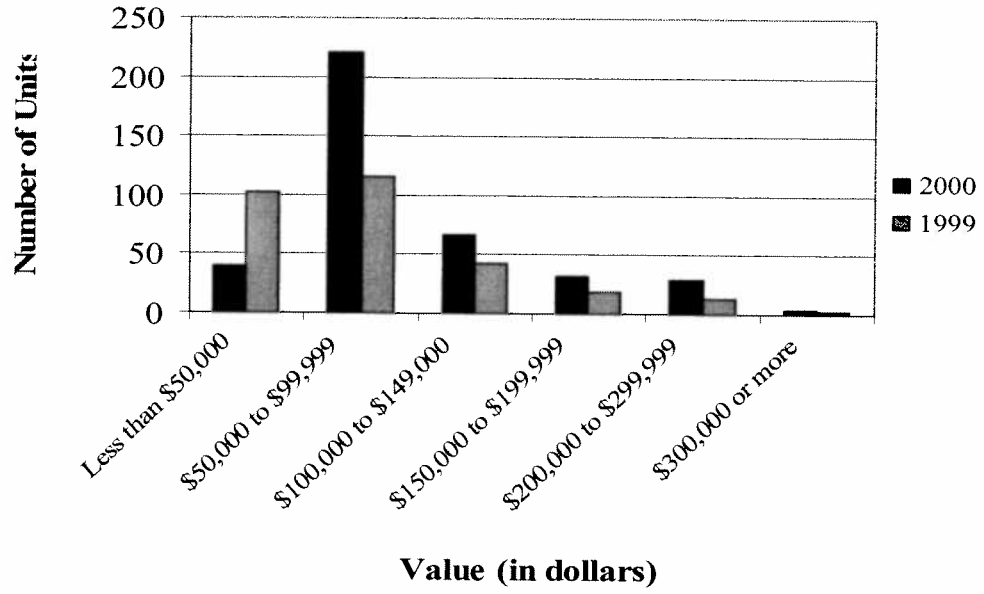


# Census Data Report – Town of Lincoln

## *Housing*

|   | 2000     | 1990     |
|---|----------|----------|
| <b>Value of Owner-Occupied Units</b>        |          |          |
| Less than \$50,000                          | 40       | 103      |
| \$50,000 to \$99,999                        | 221      | 116      |
| \$100,000 to \$149,999                      | 66       | 42       |
| \$150,000 to \$199,999                      | 32       | 18       |
| \$200,000 to \$299,999                      | 29       | 13       |
| \$300,000 or more                           | 4        | 2        |
| <b>Median Value of Owner-Occupied Units</b> | \$86,000 | \$66,500 |
| <b>Specified Renter-Occupied Units</b>      | 80       | 58       |
| <b>Gross Rent of Renter-Occupied Units</b>  |          |          |
| \$499 or less                               | 24       | 56       |
| \$500 to \$999                              | 32       | 2        |
| \$1,000 or more                             | 0        | 0        |
| No cash rent                                | 24       | (N/A)    |
| <b>Median Gross Rent</b>                    | \$525    | \$291    |

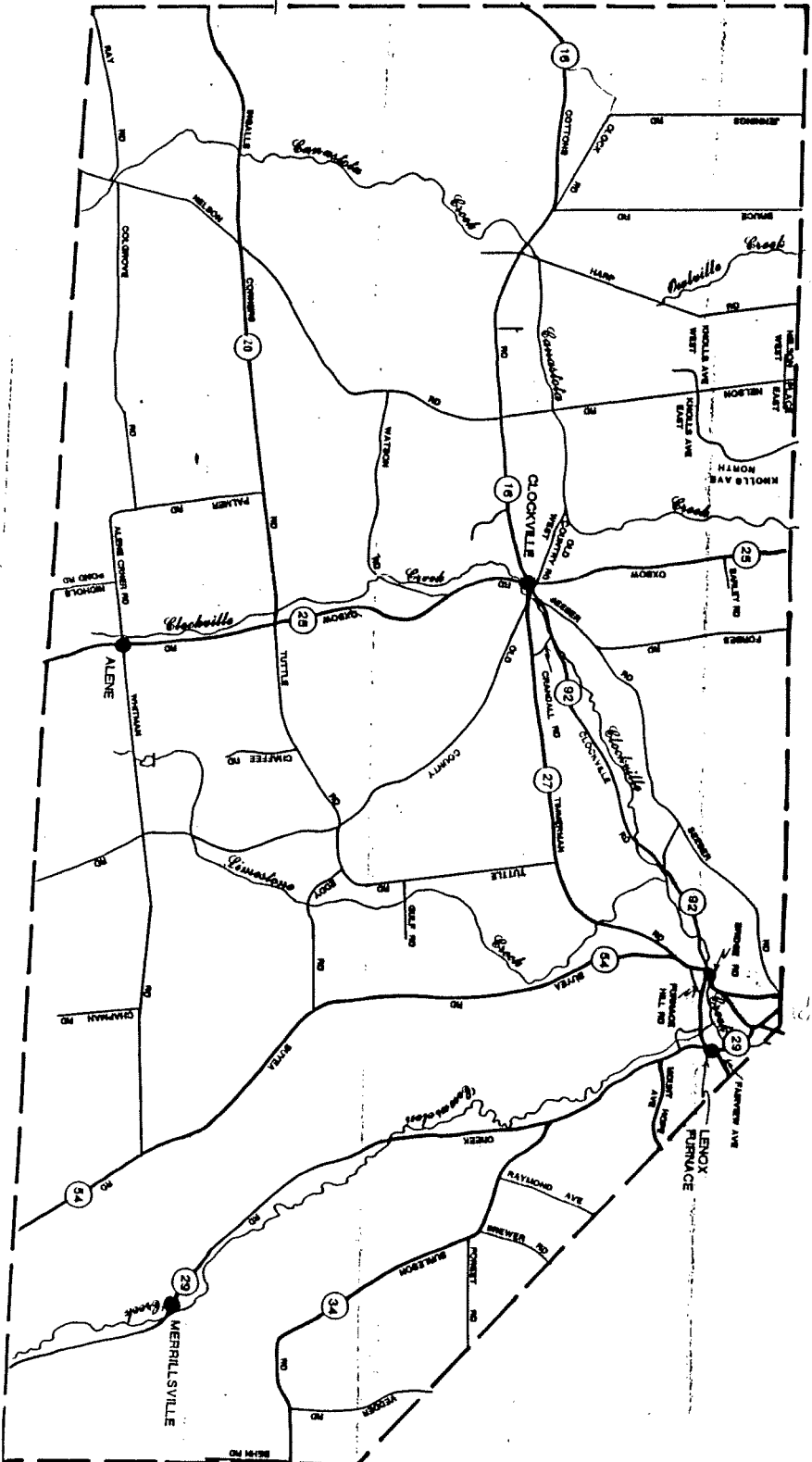
### Value of Owner-Occupied Housing Units in 2000 and 1999



# **Appendix B**

## **Town Highway Map**

**TOWN OF LINCOLN**  
MADISON COUNTY, NEW YORK



SCALE IN THOUSANDS OF FEET  
0 1 2 3 4 5 6 7 8 9





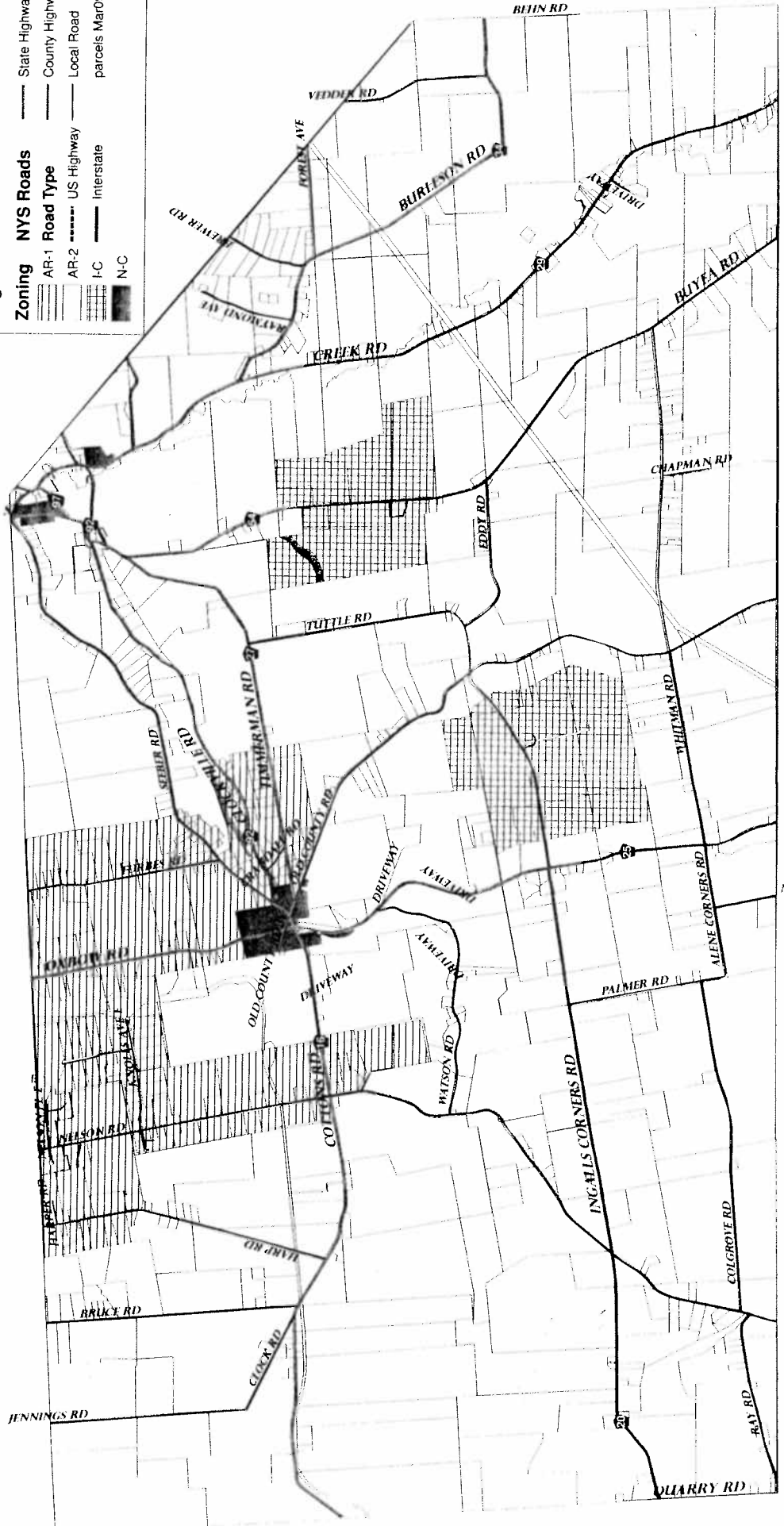
# **Appendix C**

## **Current Zoning Map**

# Town of Lincoln Zoning

**Legend**

|  |               |  |                   |  |                       |
|--|---------------|--|-------------------|--|-----------------------|
|  | <b>Zoning</b> |  | <b>NYS Roads</b>  |  | <b>State Highway</b>  |
|  | AR-1          |  | <b>Road Type</b>  |  | <b>County Highway</b> |
|  | AR-2          |  | <b>US Highway</b> |  | <b>Local Road</b>     |
|  | I-C           |  | <b>Interstate</b> |  | <b>parcels Mar09</b>  |
|  | N-C           |  |                   |  |                       |



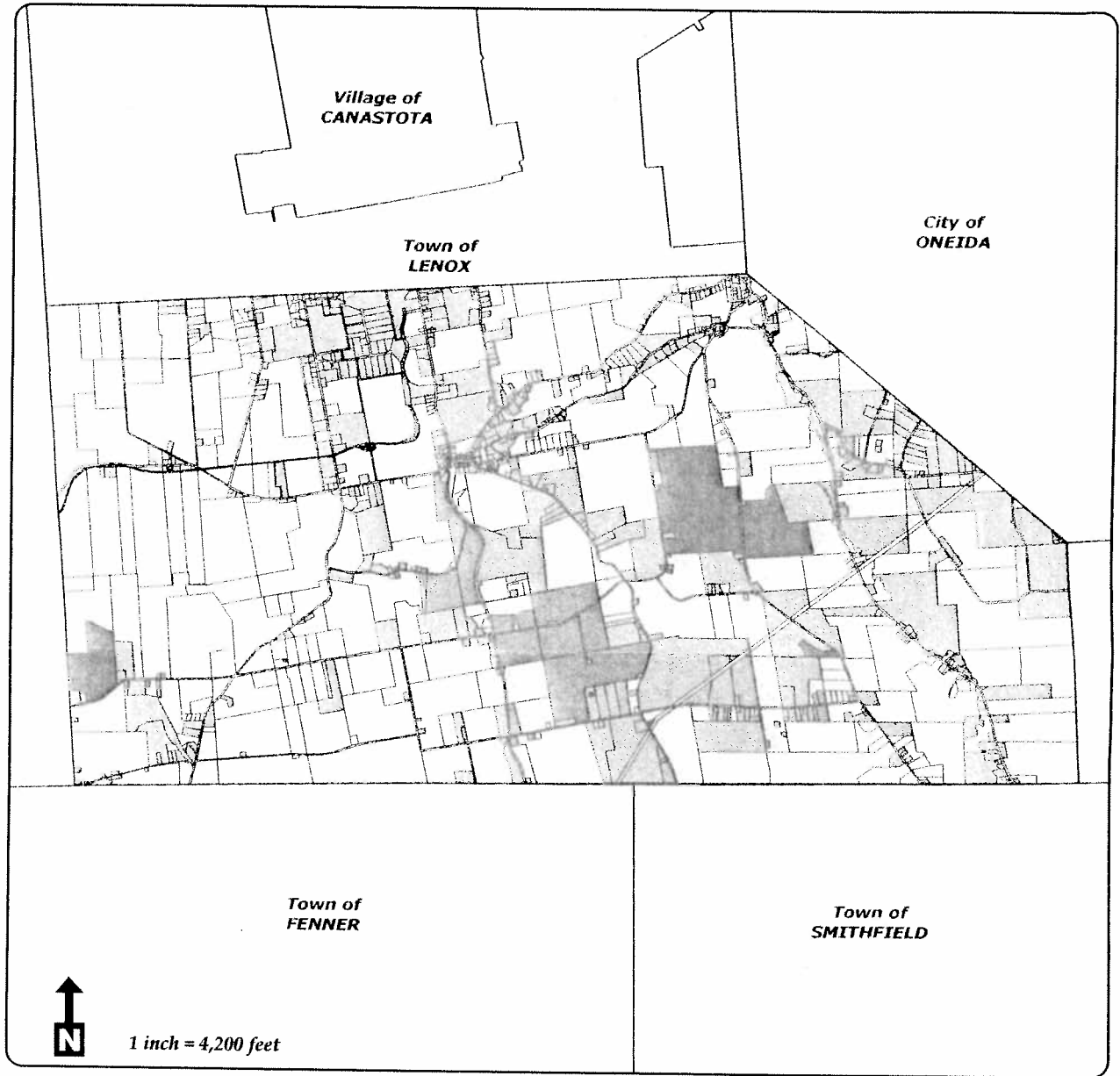
This map prepared by the Madison County Planning Department for planning purposes only. December 2009

# **Appendix D**

## **Property Class Map**

# Property Class Inventory

## Town of Lincoln



### Broad Use Category

|  |   |
|--|---|
|  | 100 - Agriculture                         |
|  | 200 - Residential                         |
|  | 300 - Vacant                              |
|  | 400 - Commercial                          |
|  | 500 - Recreation, Entertainment           |
|  | 600 - Community Service                   |
|  | 700 - Industrial                          |
|  | 800 - Public Service                      |
|  | 900 - Parks, Wild, Forested, Conservation |



# **Appendix E**

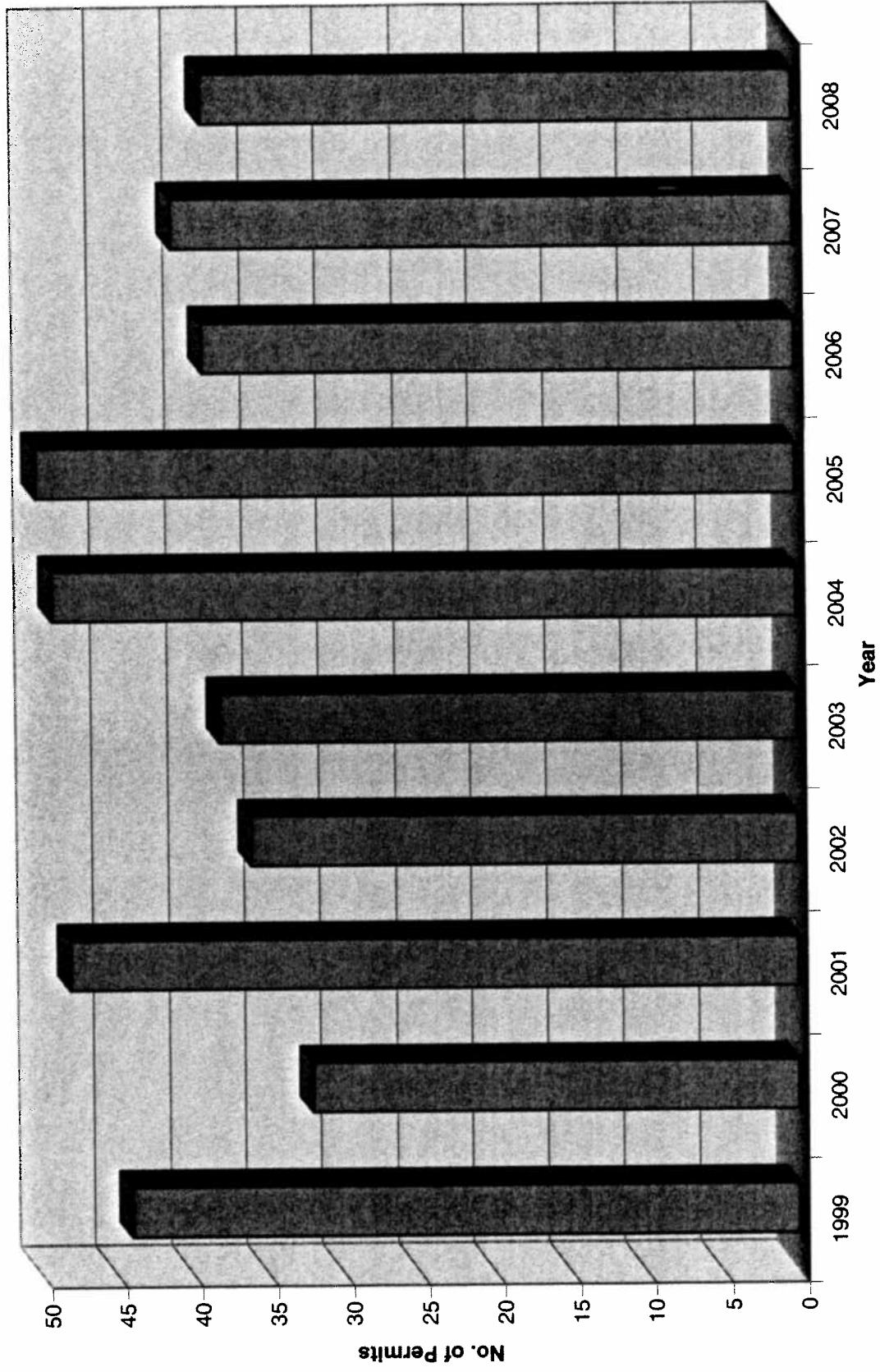
## **Environmentally Sensitive Areas Map**



# **Appendix F**

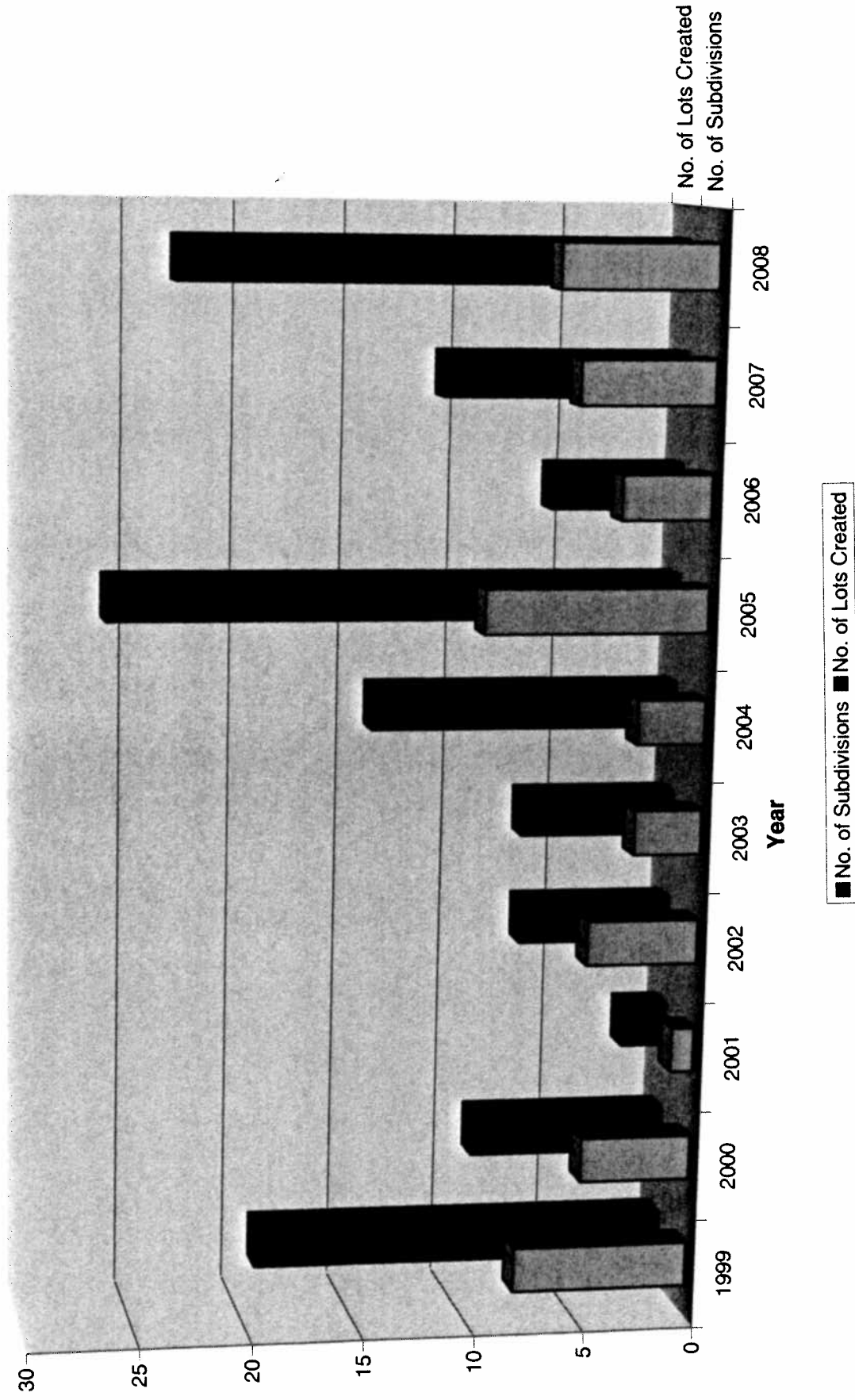
## **Land Use Development Trends and Statistics**

**Total No. of Permits by Year**

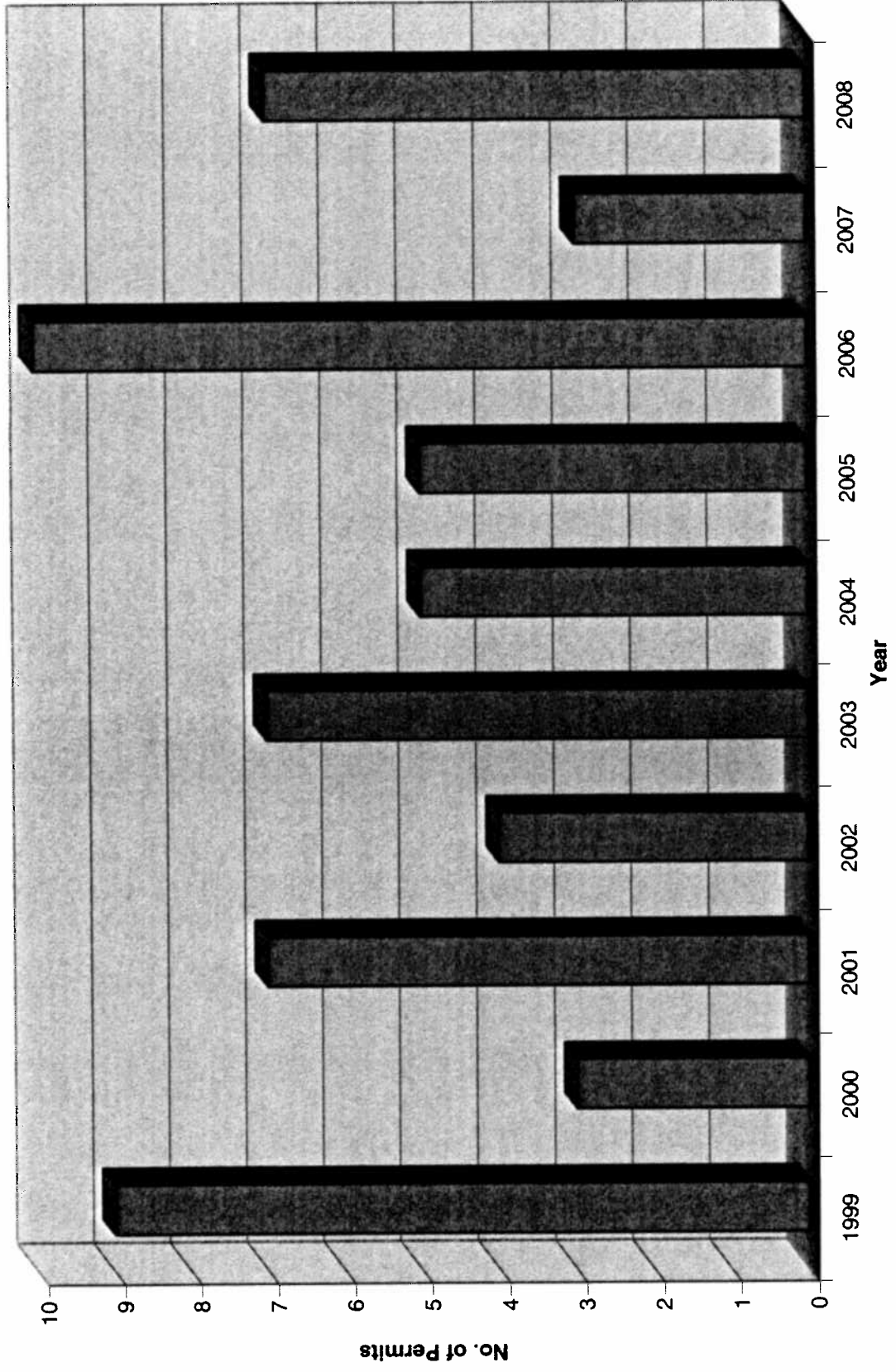




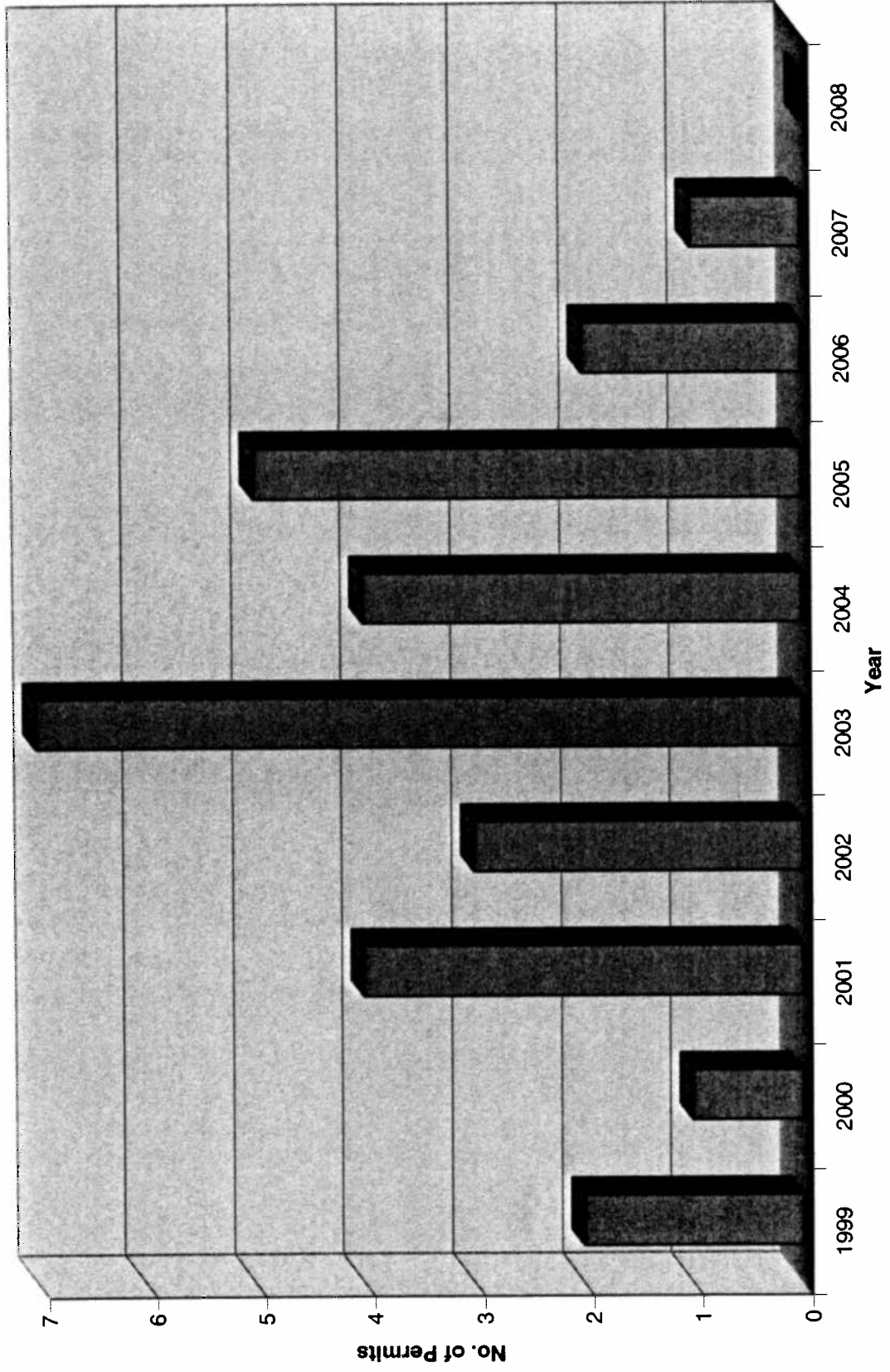
**No. of Lots Created by Subdivision per Year**



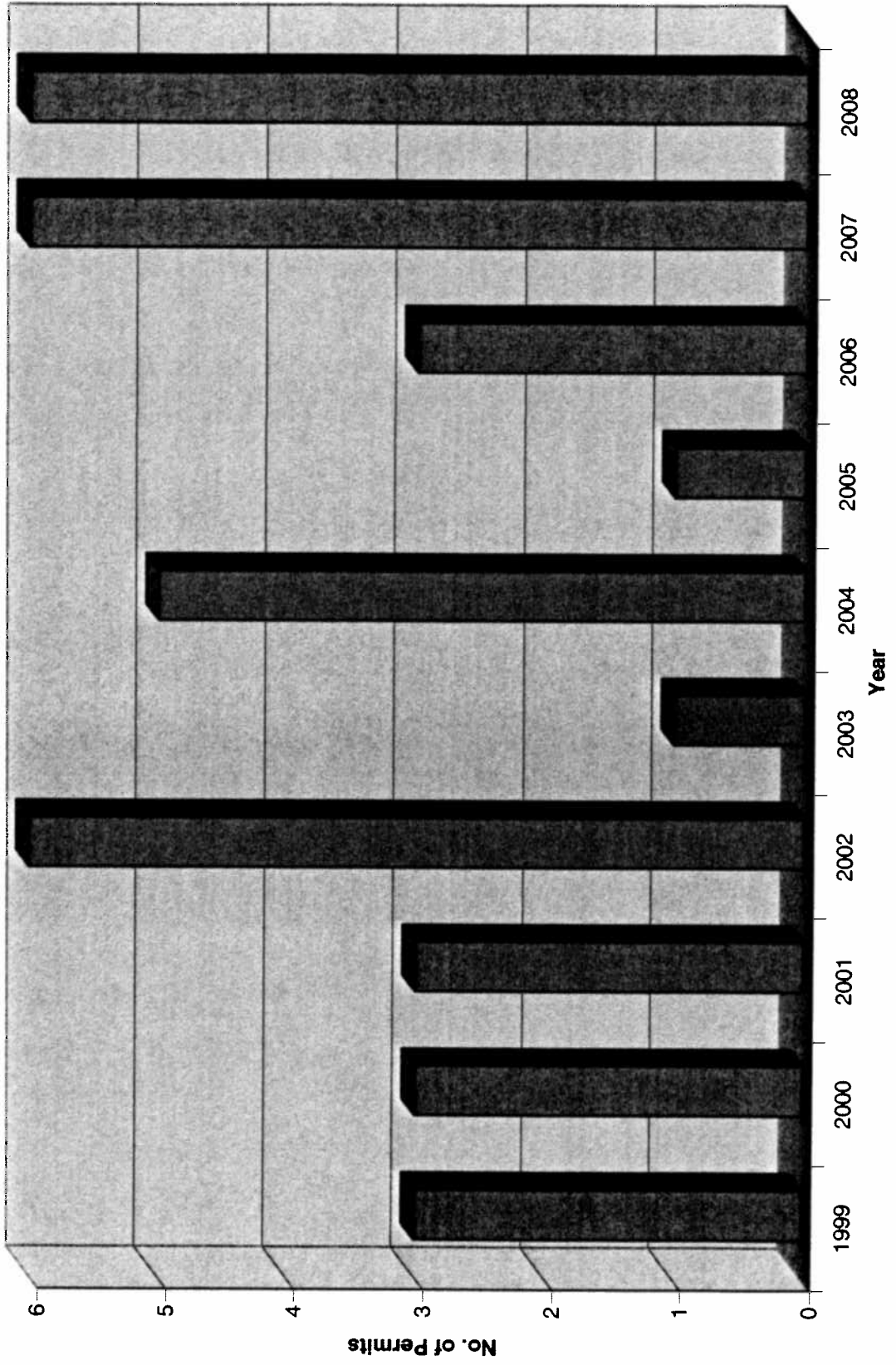
**New Homes**



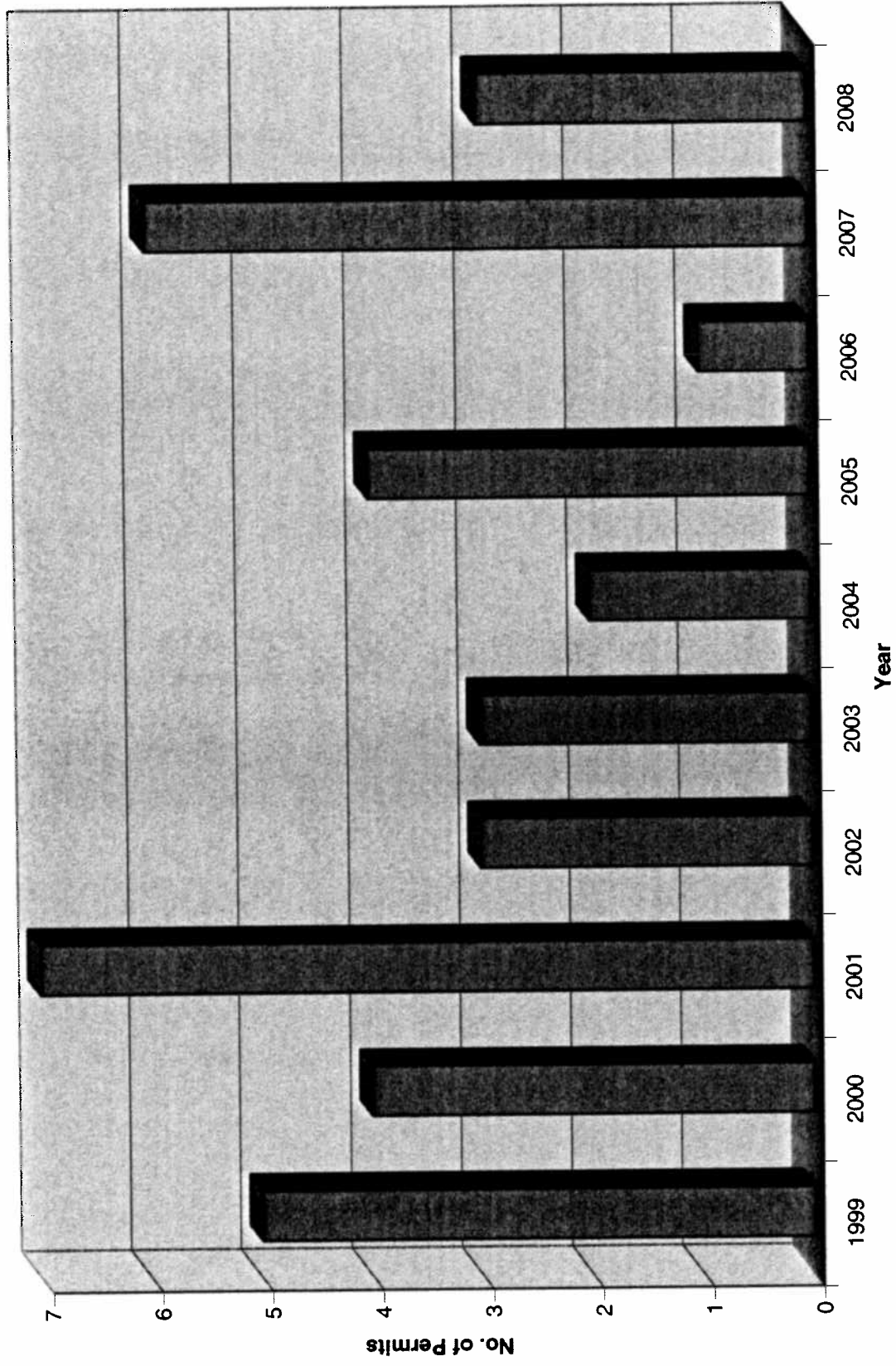
# Mobile Homes



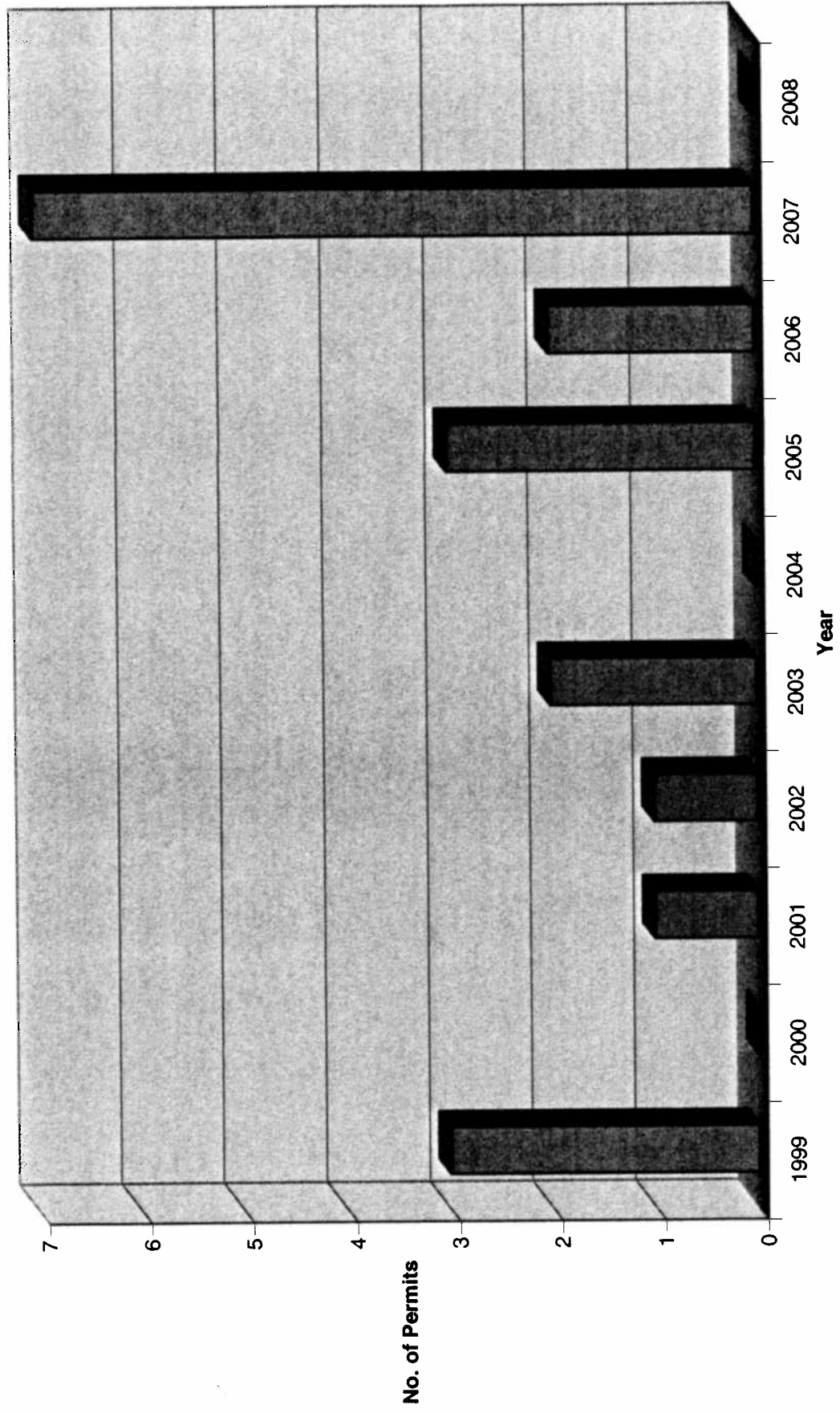
**Barns**



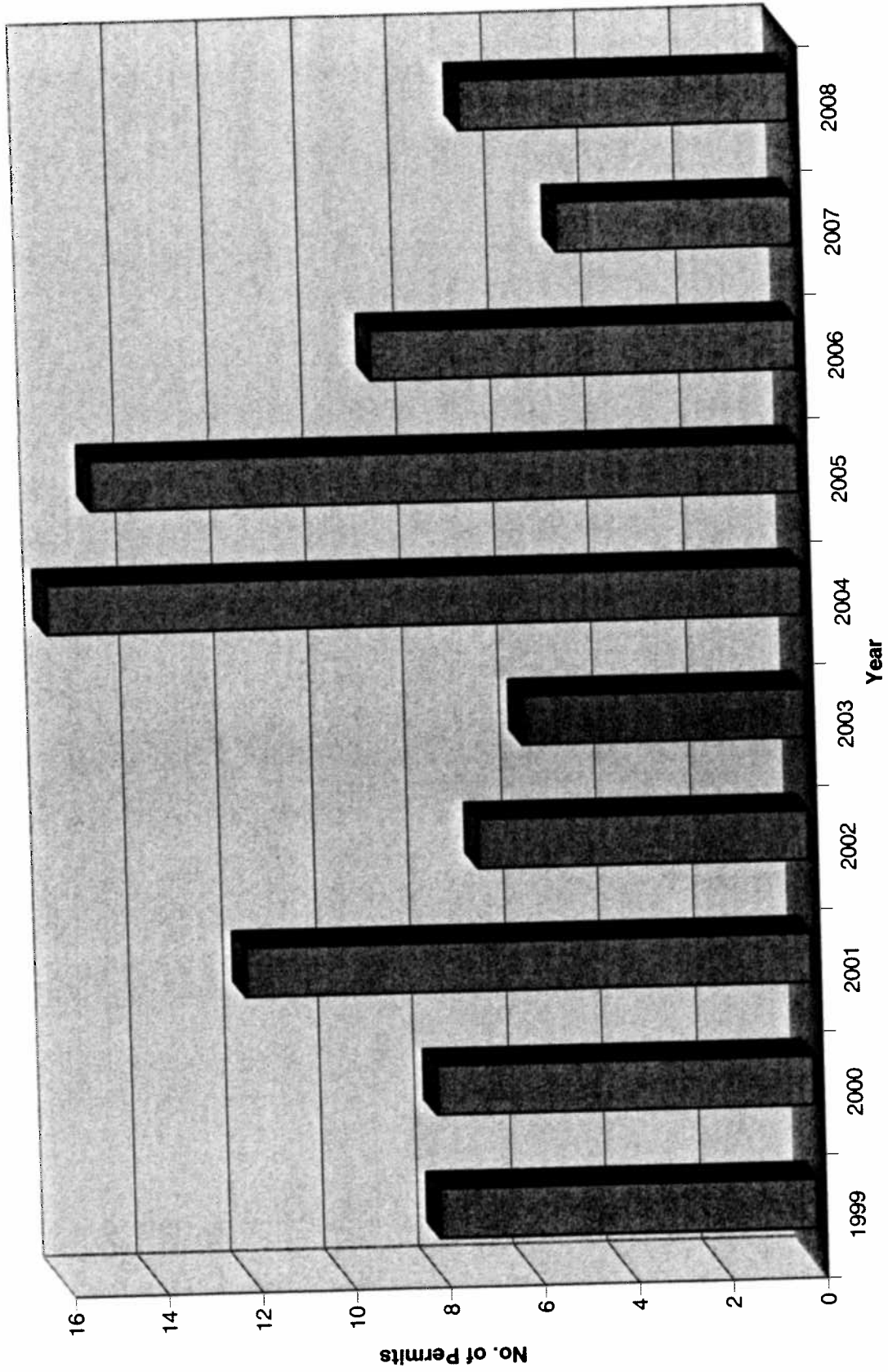
**Additions**



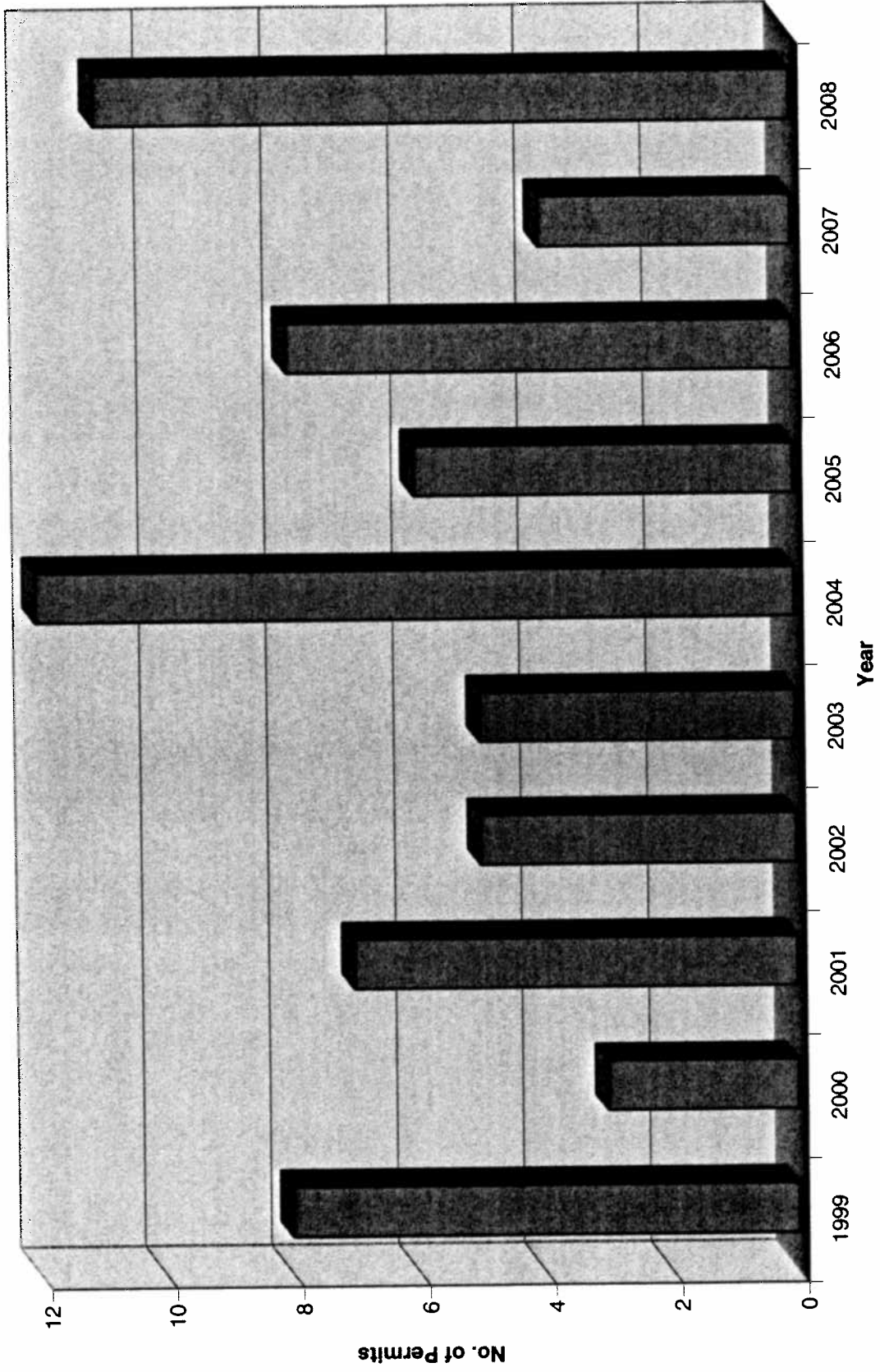
# Alterations



# Garages and Sheds

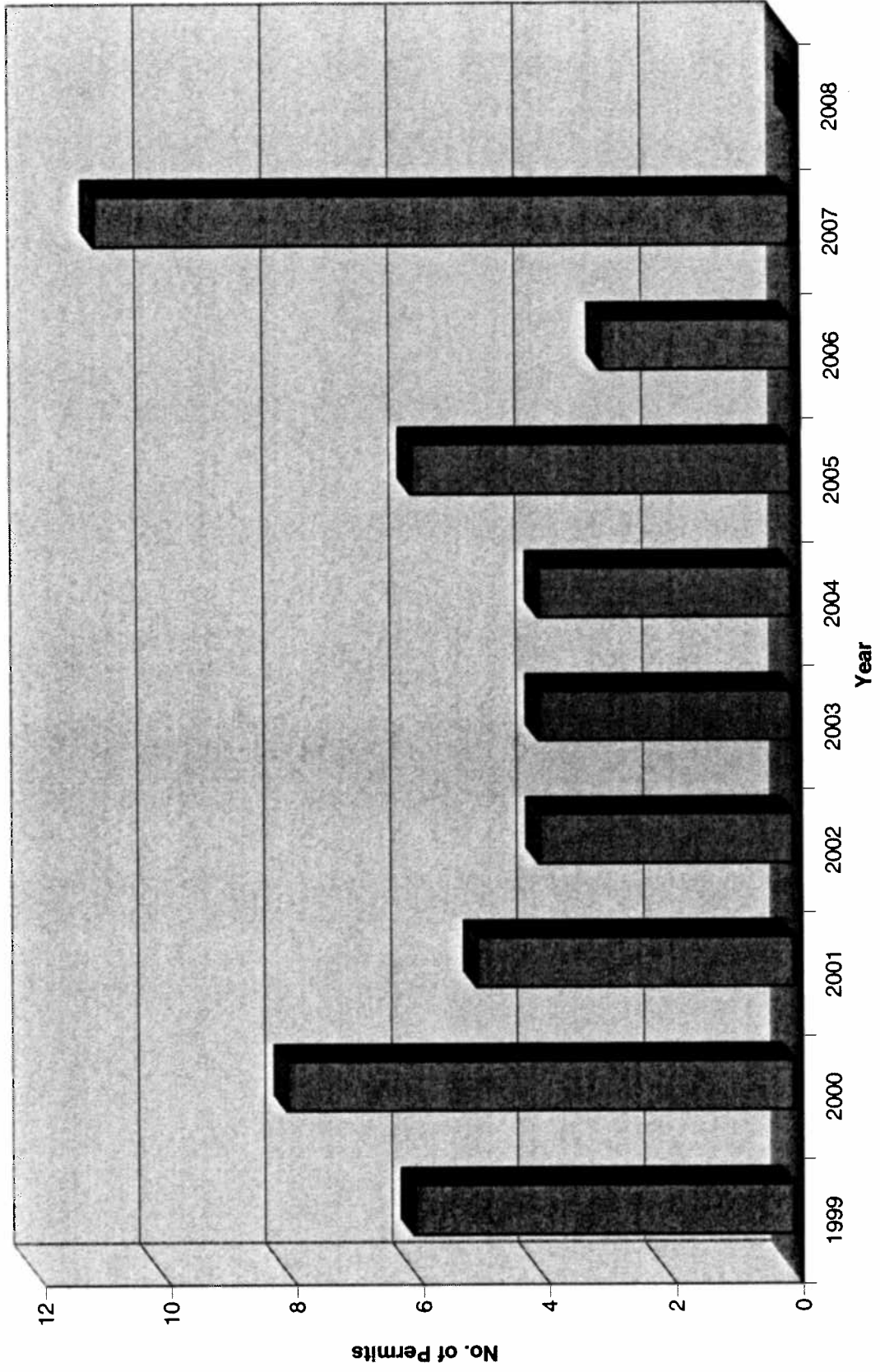


# Decks and Porches

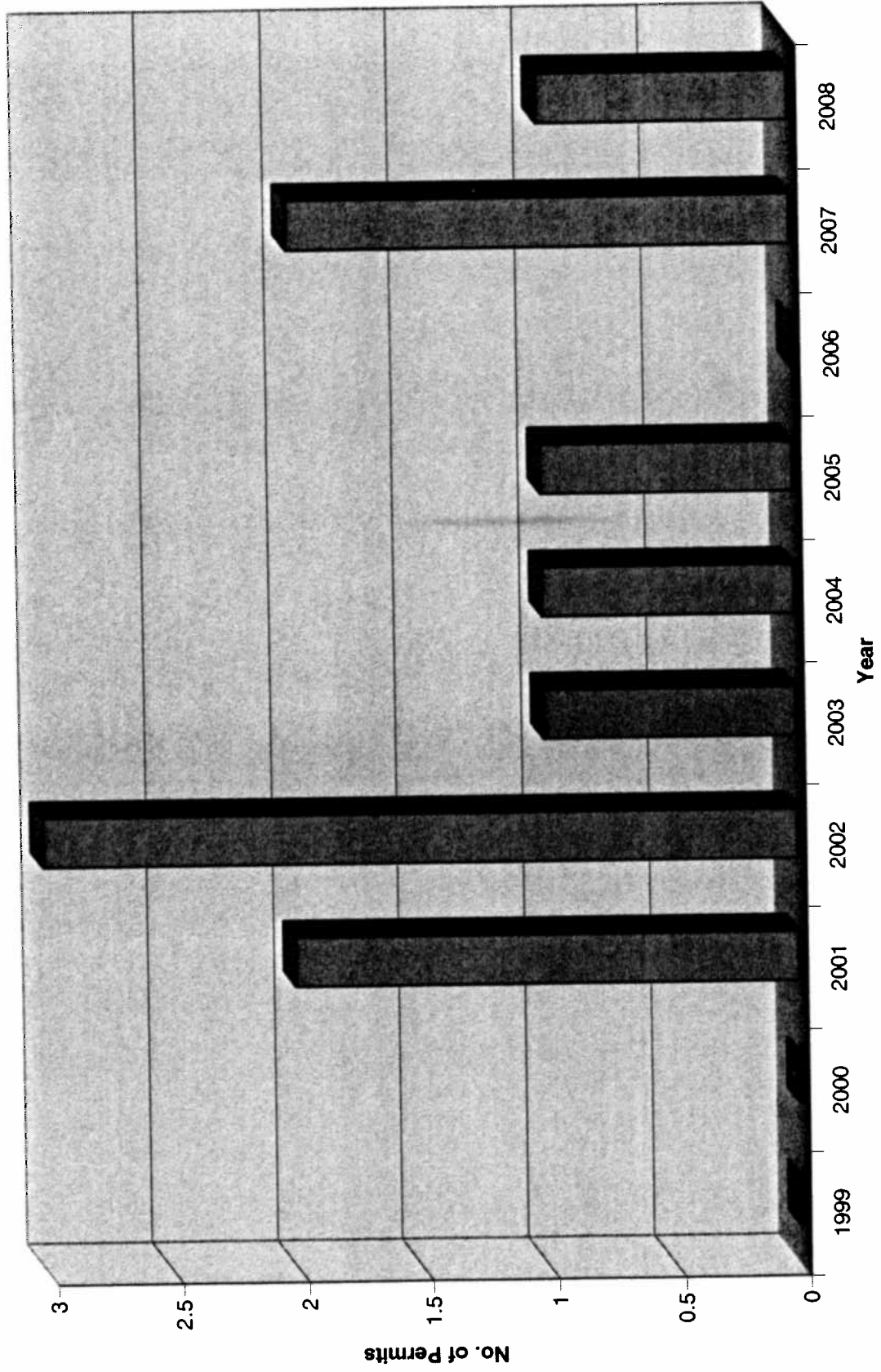




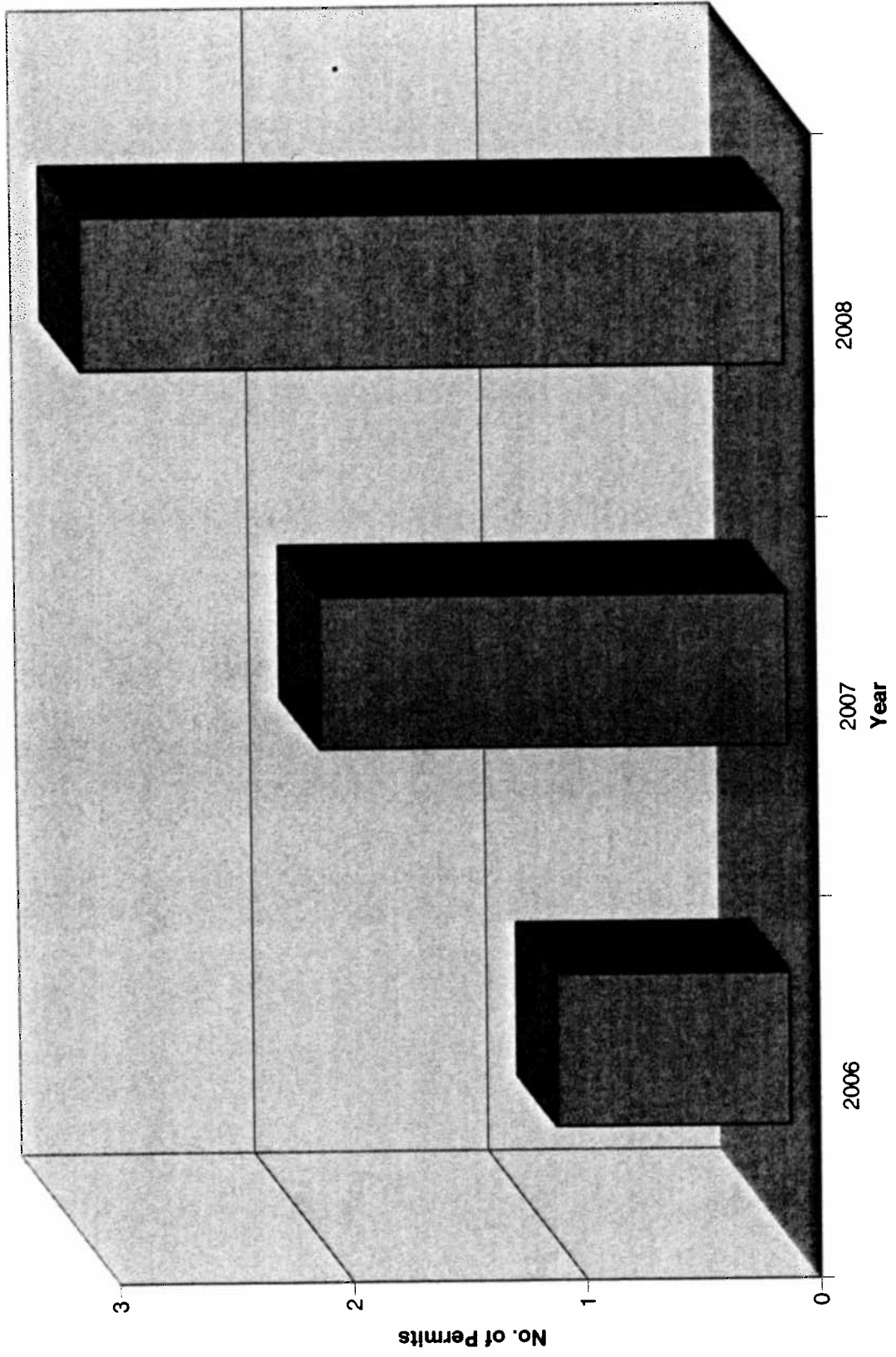
# Swimming Pools



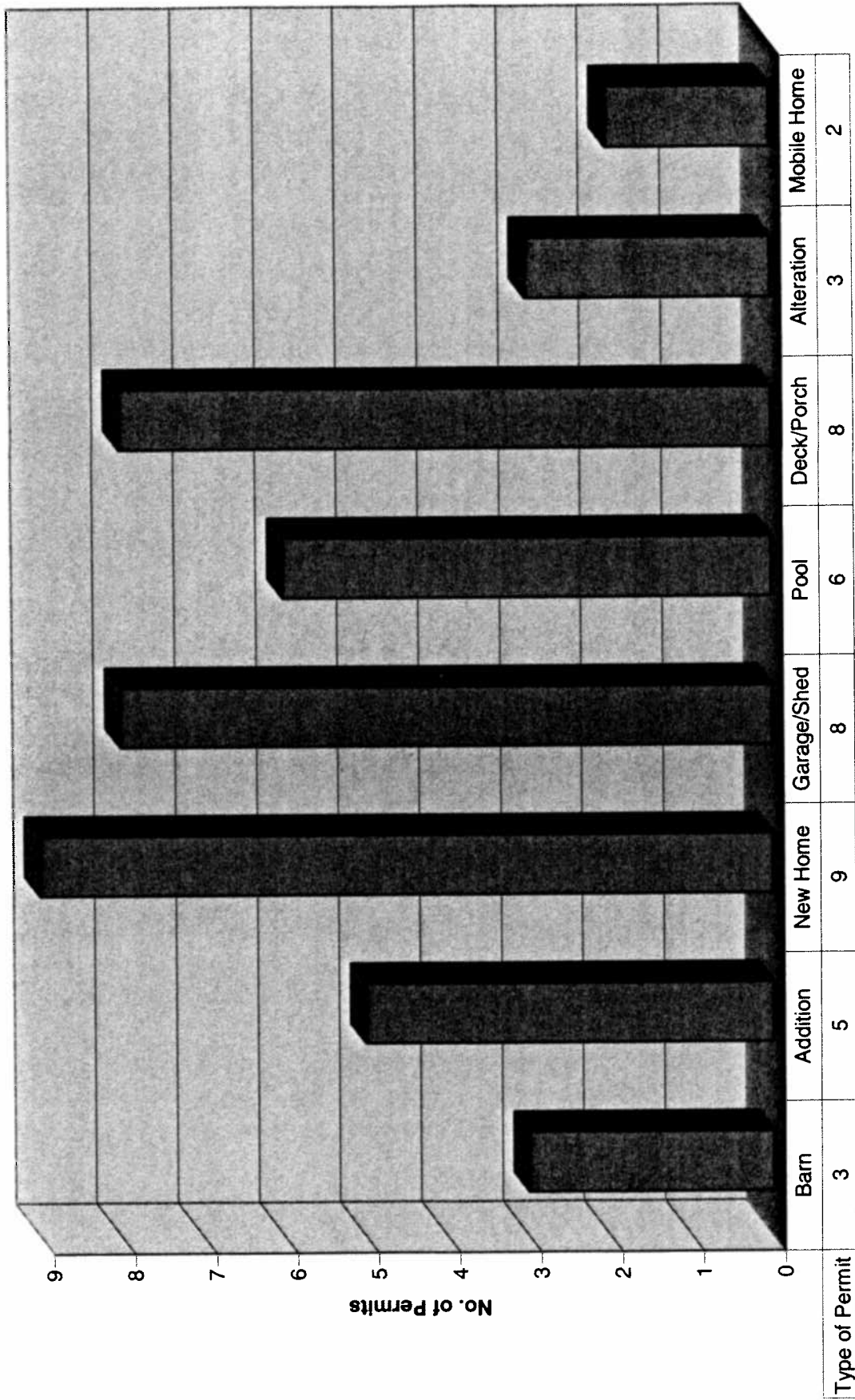
# Roofs



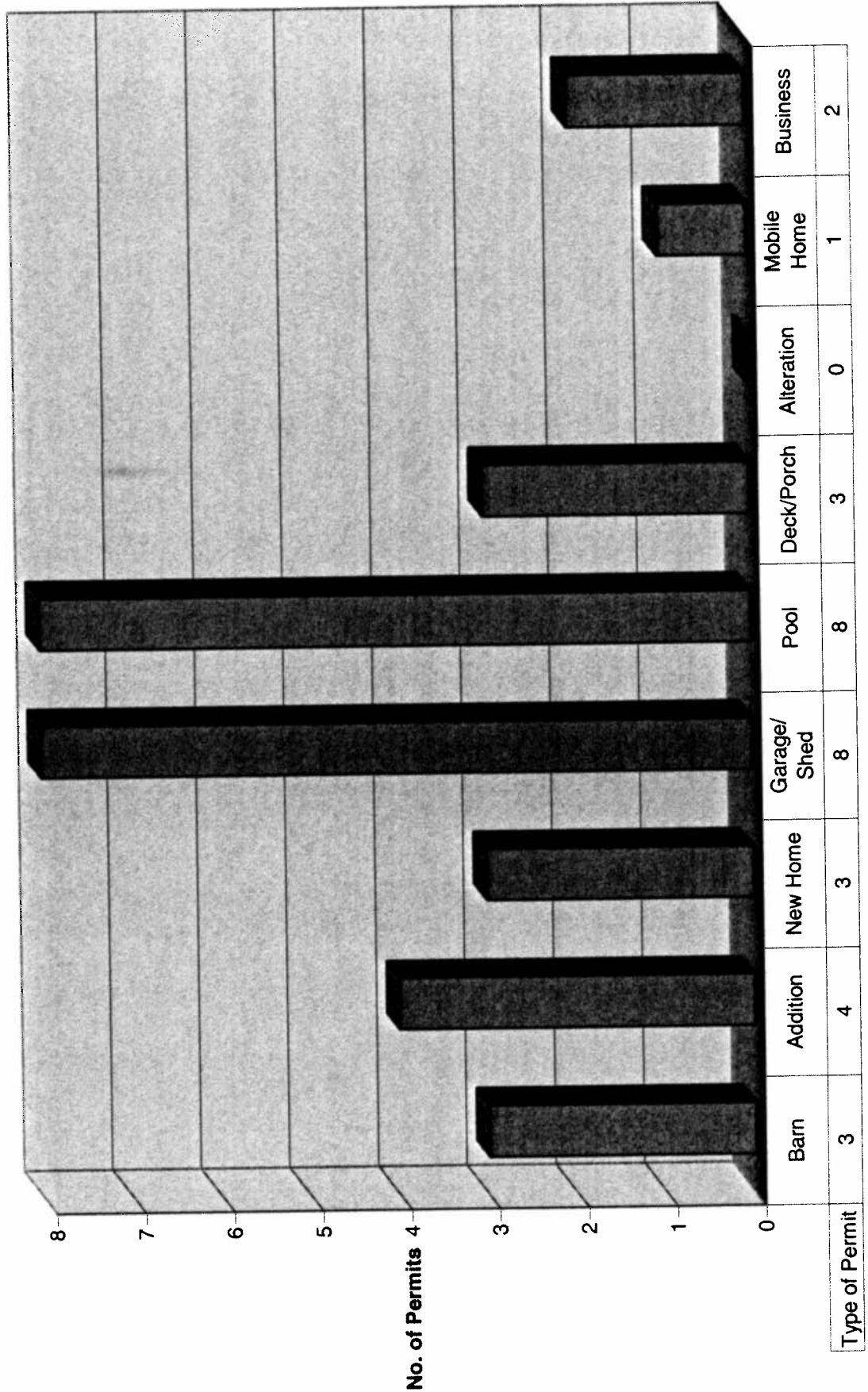
**Solid Fuel Devices**



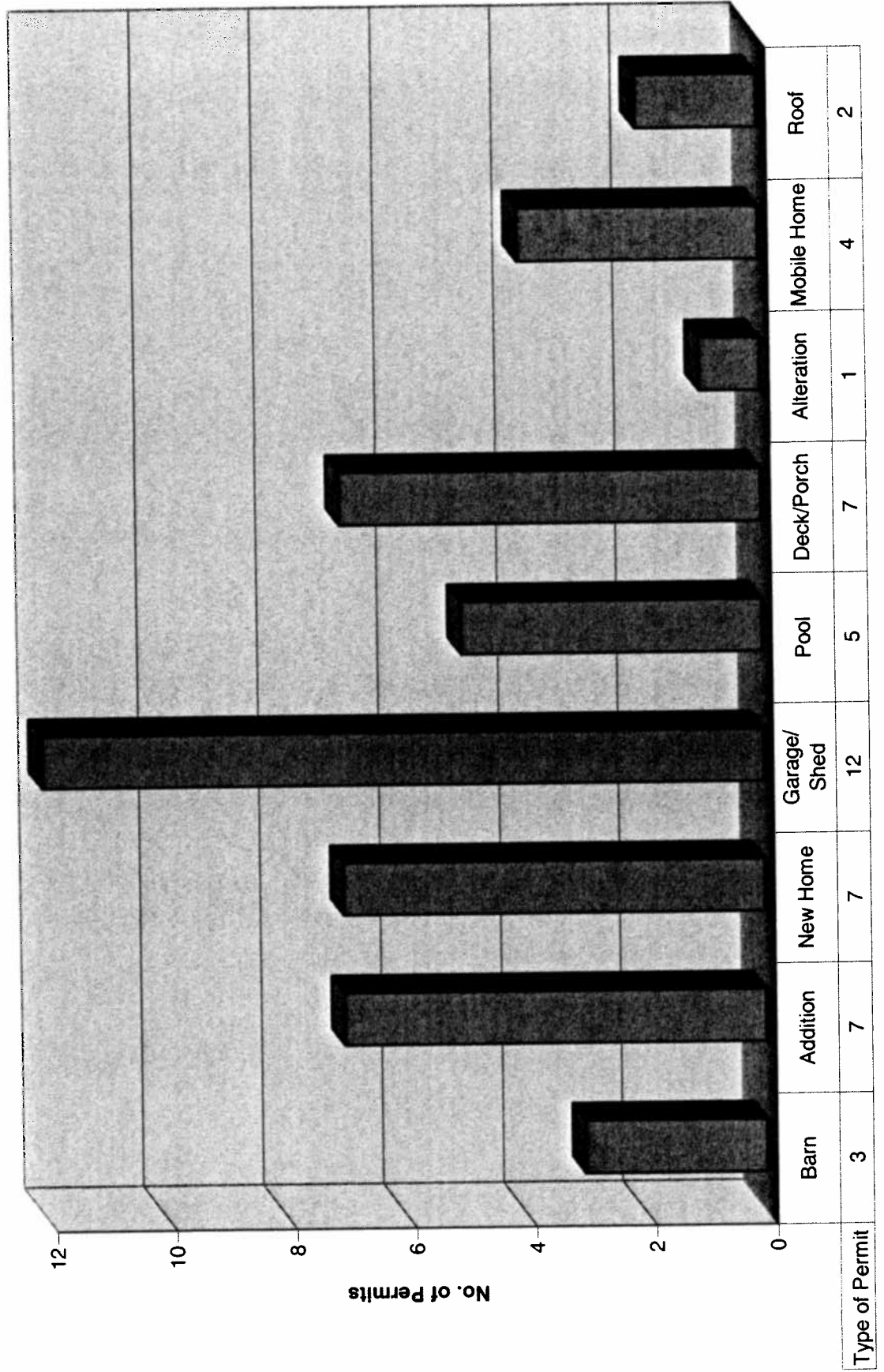
1999



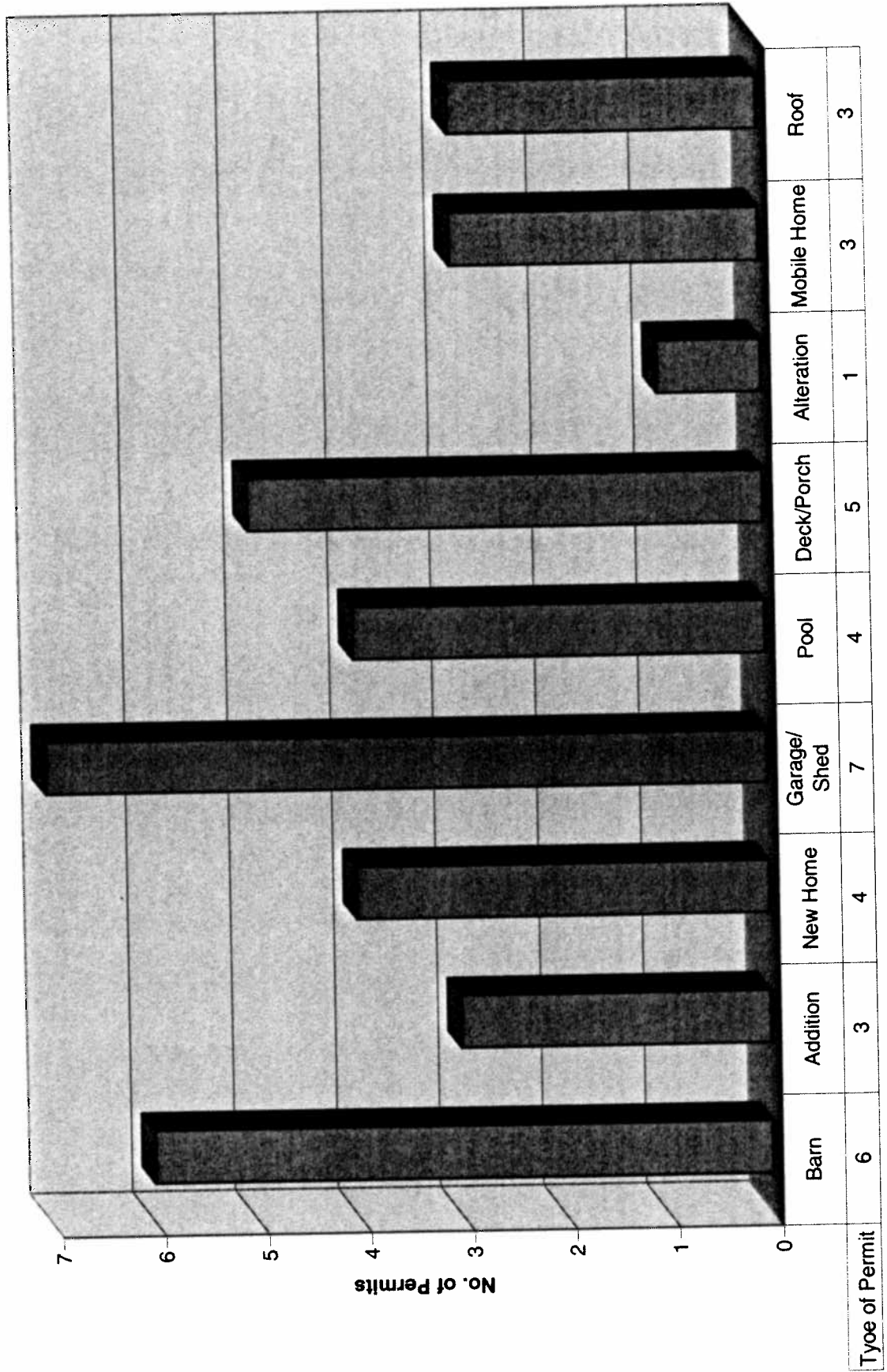
2000



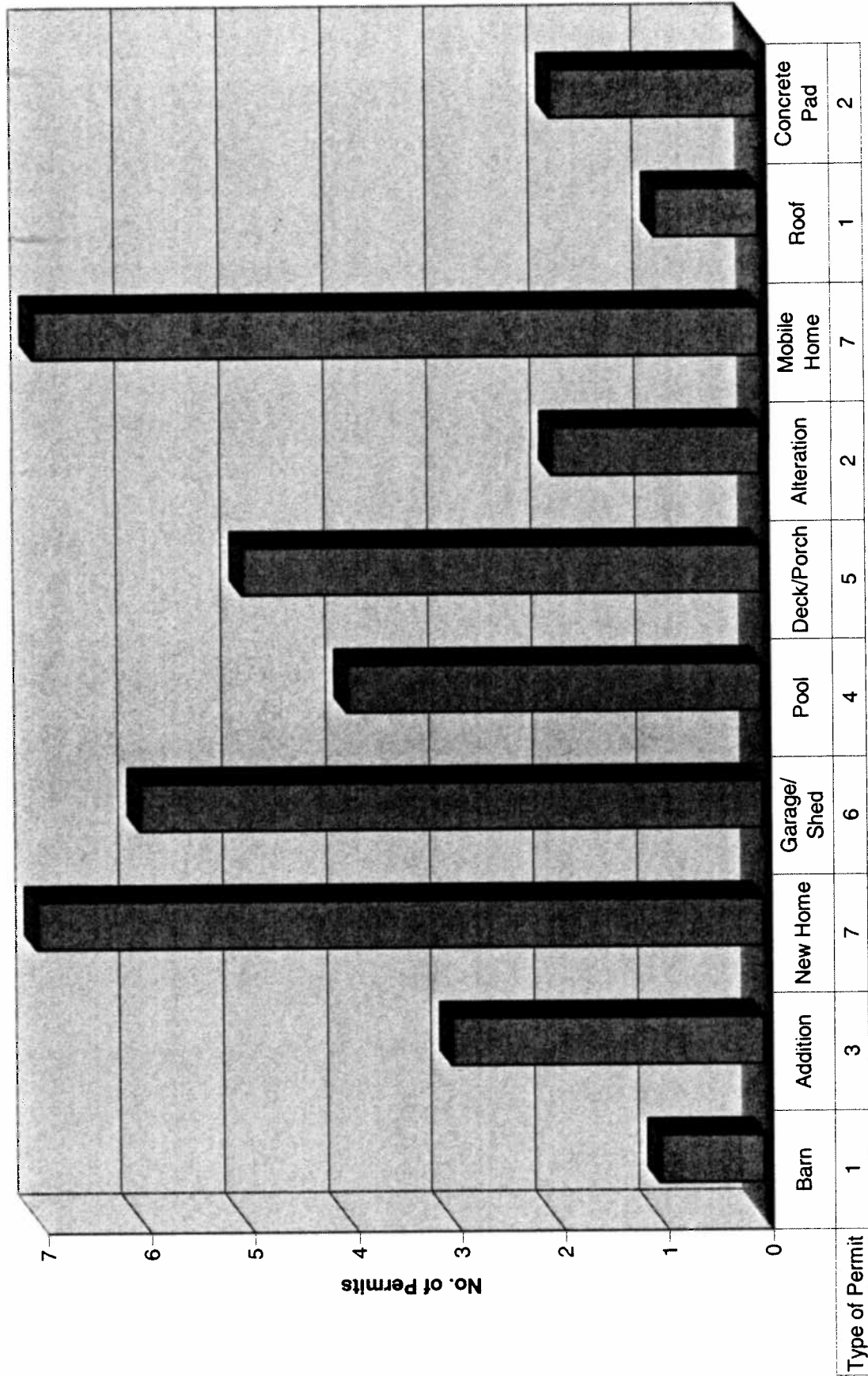
2001



2002

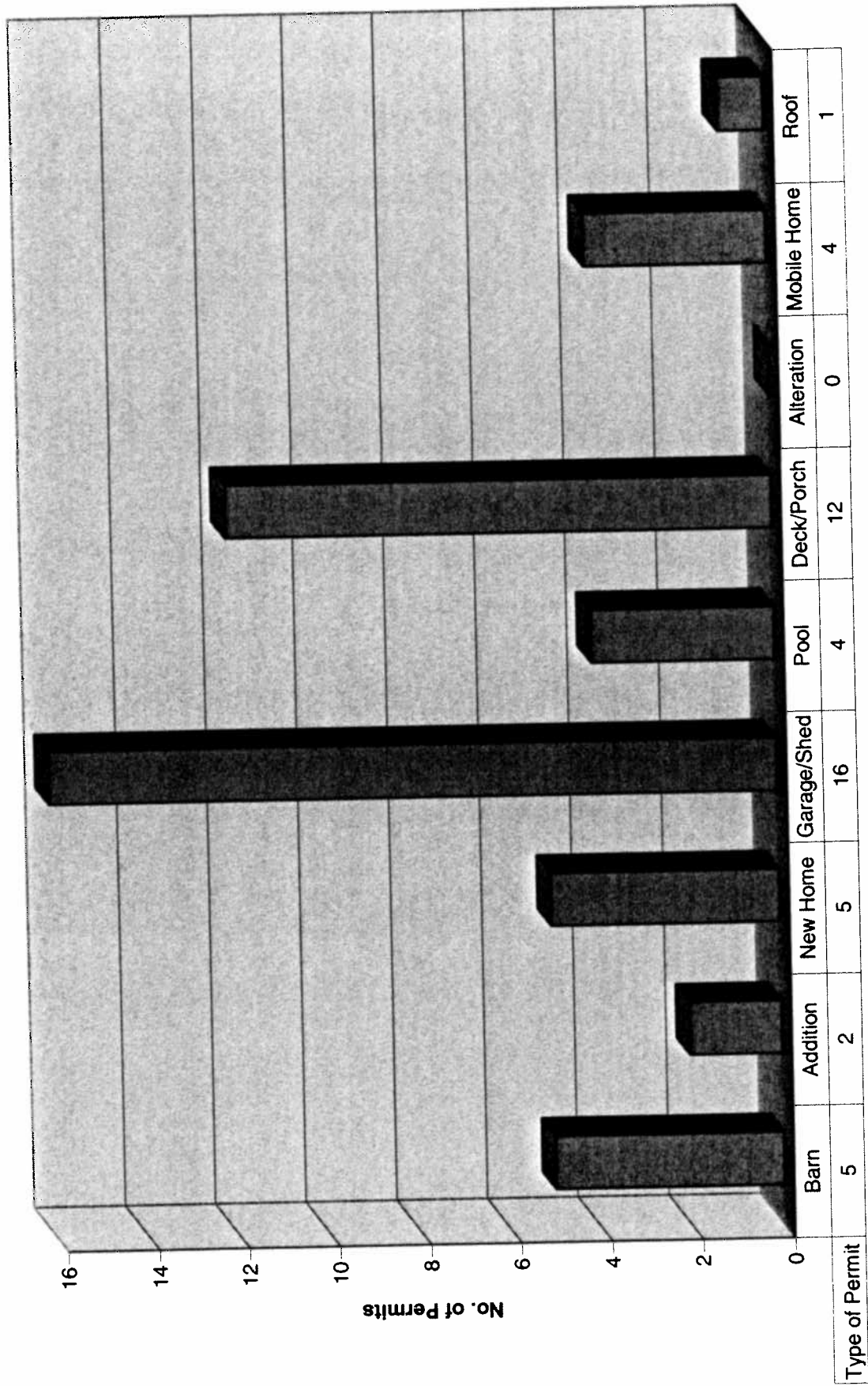


2003

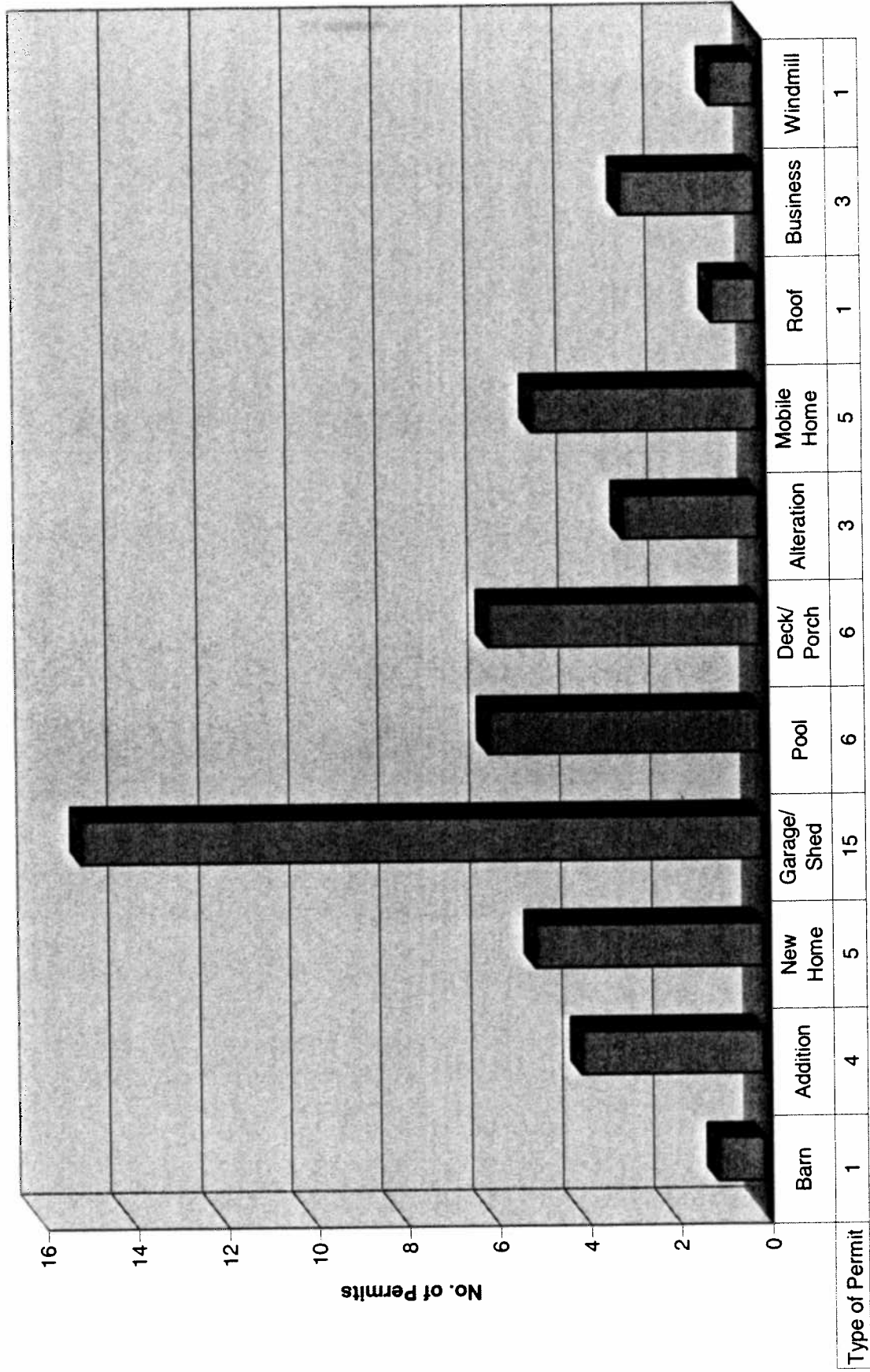




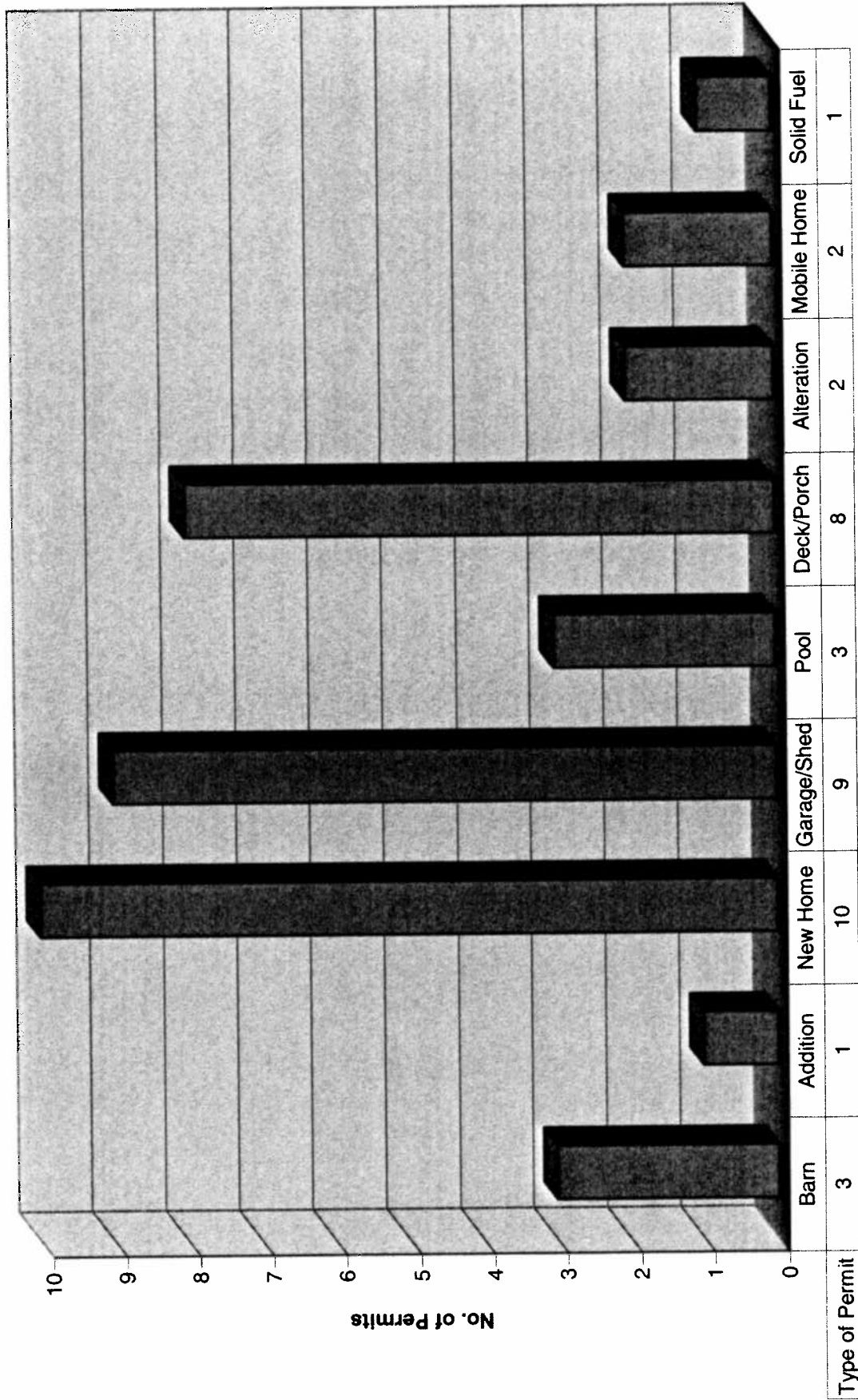
2004



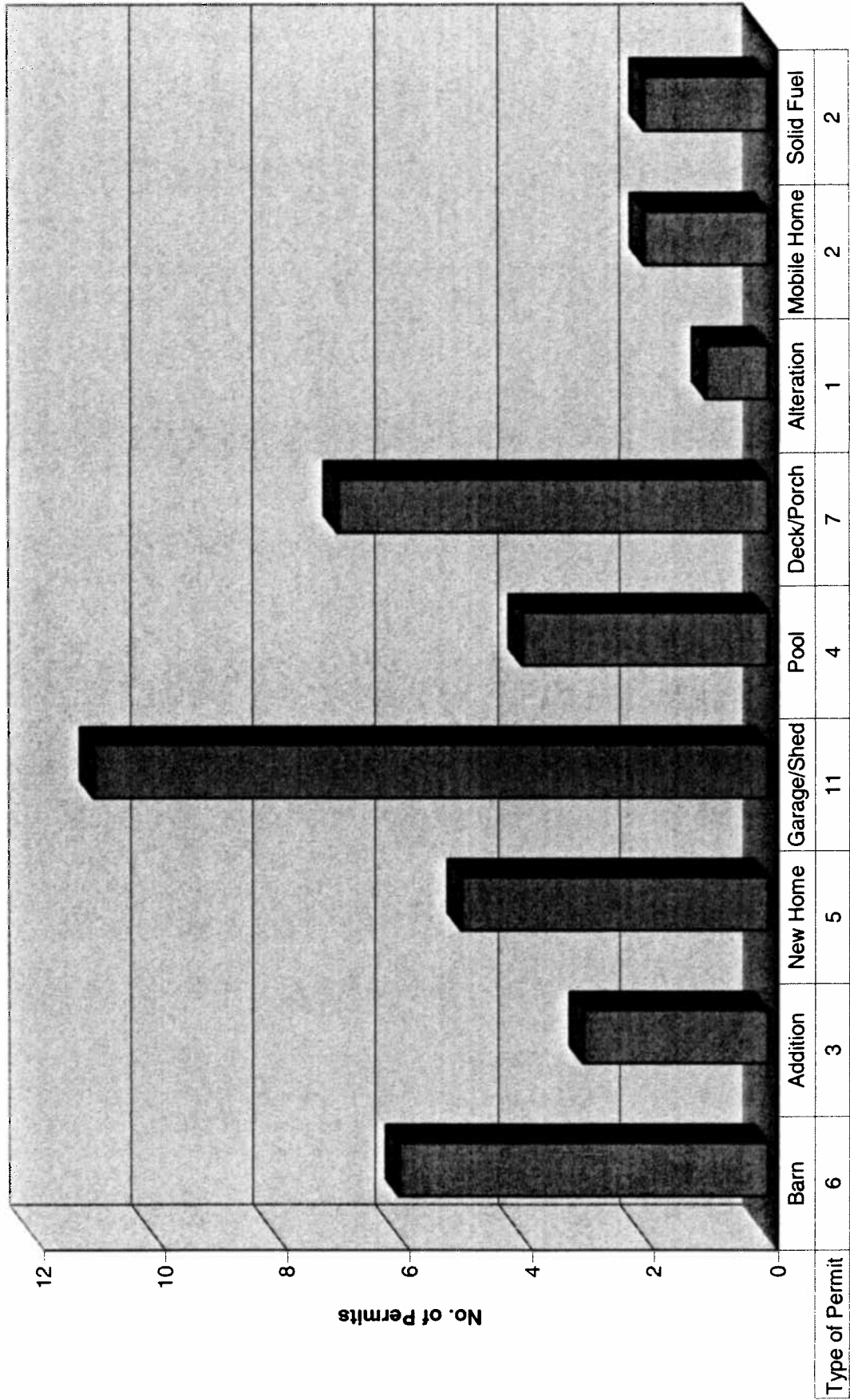
2005



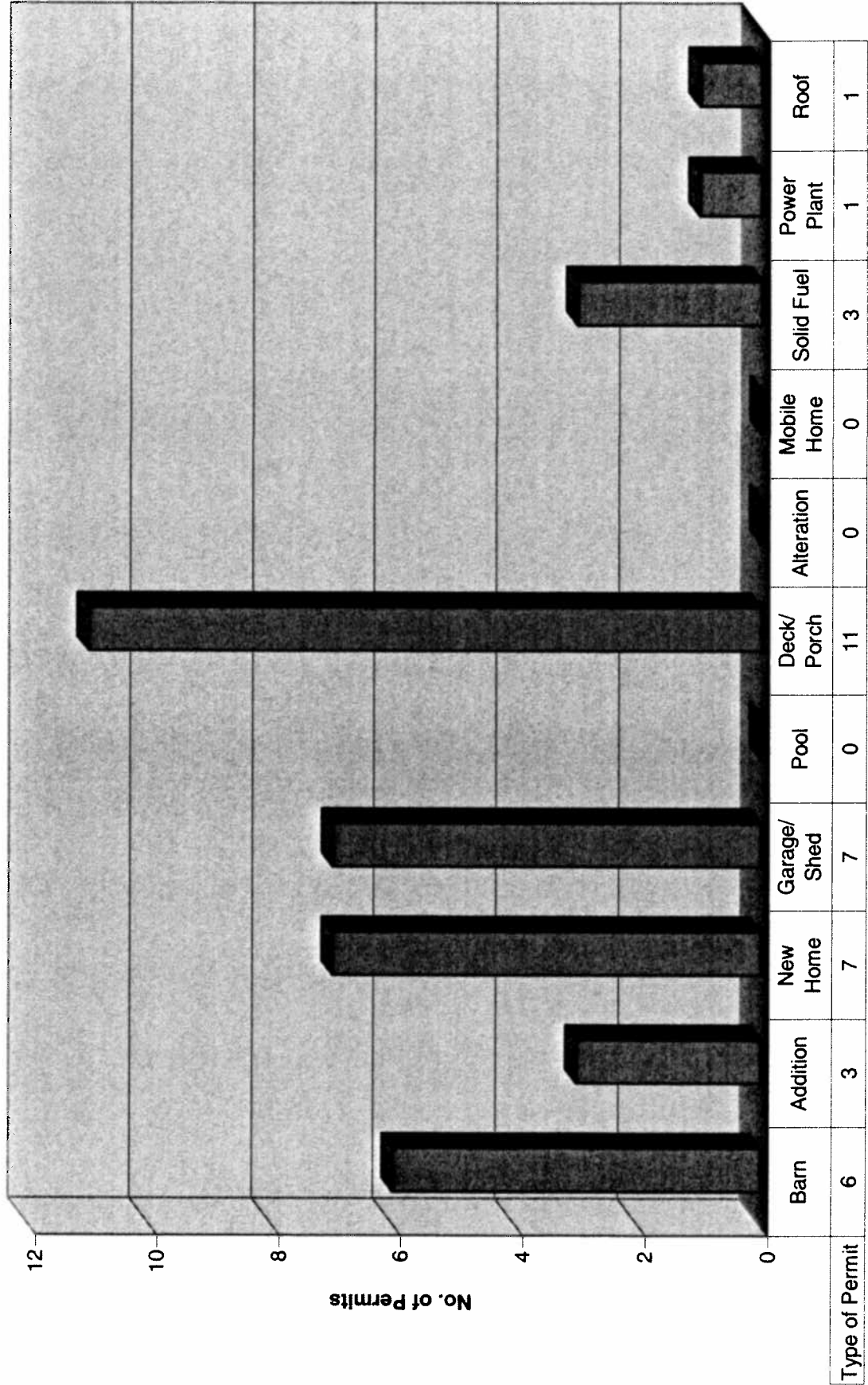
2006



2007



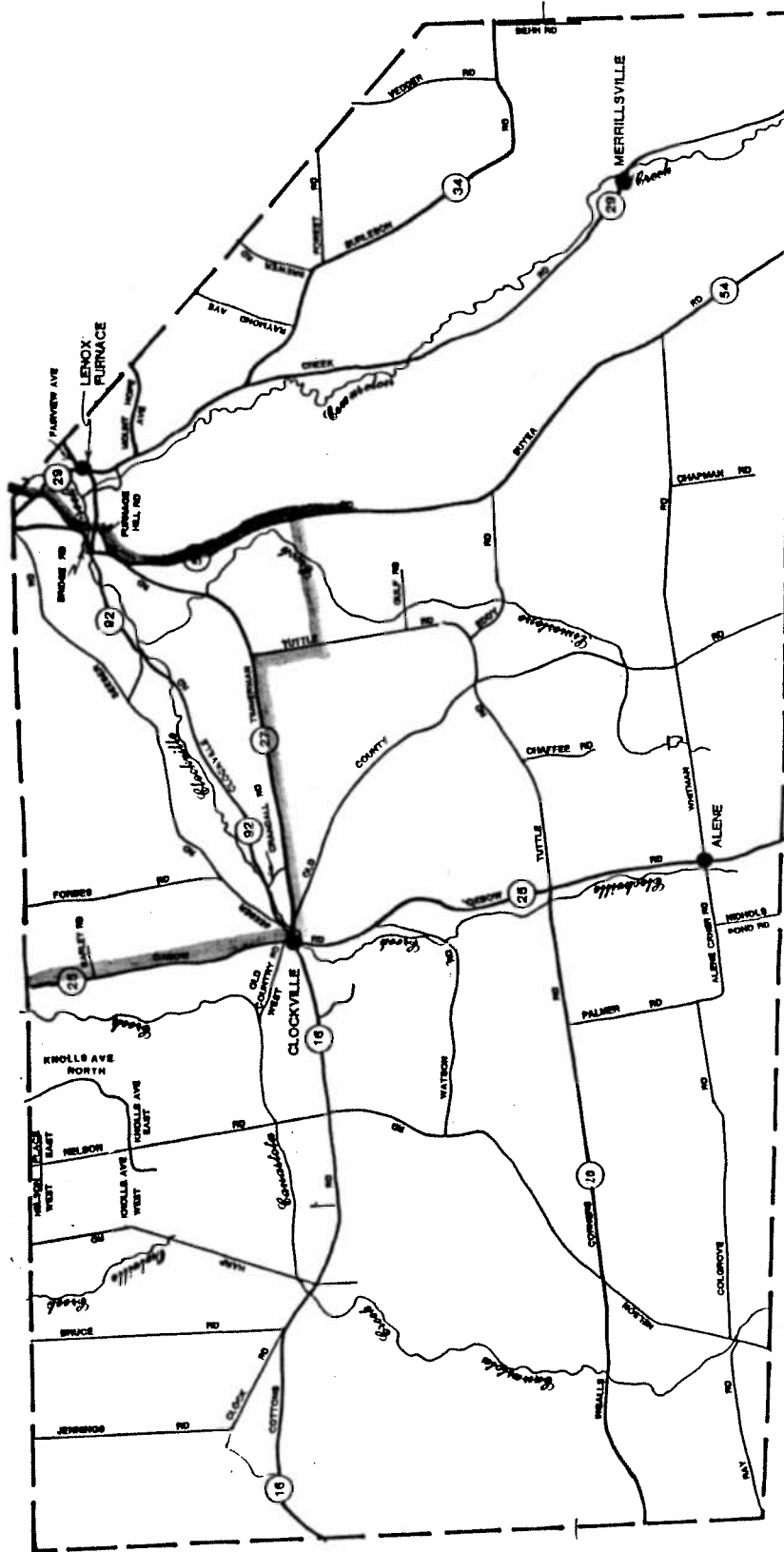
2008



**Appendix G**

**Map Showing Potential Extensions of  
Public Water and Sewer Lines**

# Town of Lincoln Madison County, New York



Scale in Thousands of Feet



Legend

- Potential Public Water Extension
- Potential Public Sewer Extension

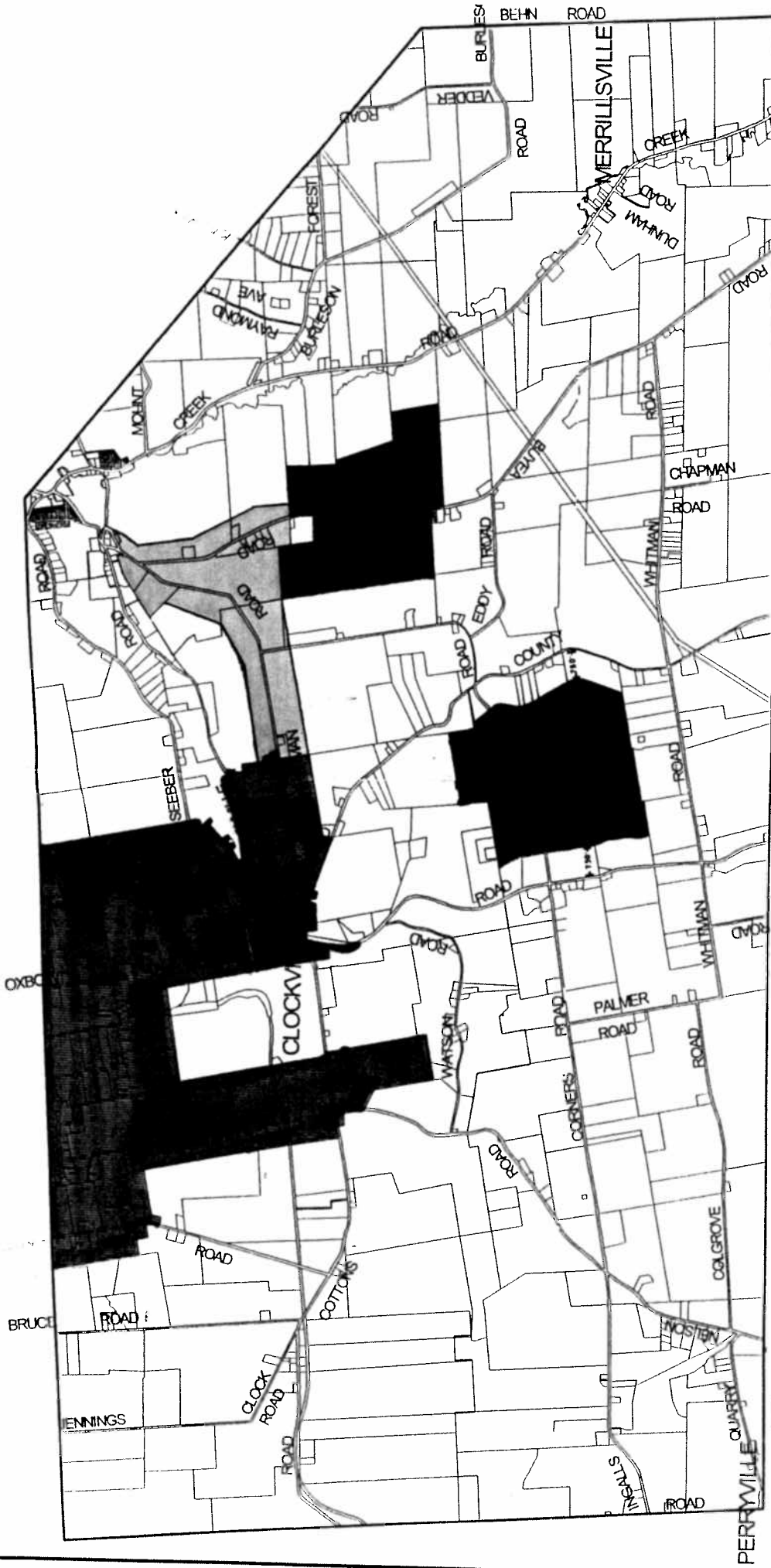
**Appendix H**

**Map Showing Areas for Potential**

**Re-zoning from AR-2 to AR-1**



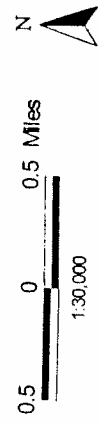
# Land Use District Boundaries



- AR-1 District
- AR-2 District
- Potential AR-1 to AR-2
- N-C District
- I-C District

## Town of Lincoln

Madison County, New York



Prepared by Madison County Planning Department  
July 9, 2001

# **Appendix I**

## **Sample Wind Turbine Regulations**

## **Section 606.6 Wind Energy Facilities**

606.6.1 The following lot size, dimension and construction standards apply to commercial wind energy facilities only:

- A. Minimum lot size shall be five (5) acres.
- B. Minimum road frontage shall be four hundred fifty (450) feet.
- C. Minimum lot depth shall be four hundred fifty (450) feet.
- D. Maximum structure height shall be as determined by the Planning Board in the course of its special permit review.
- E.
  - 1. The minimum setback distance between each production line commercial wind power electricity generation unit (wind turbine tower) and: all surrounding street and property lines, overhead utility lines, any dwellings, and any other generation units, above-ground transmission facilities, and separate meteorological facilities, shall be equal to no less than 1.5 times the proposed structure height plus the rotor radius. The property line setback requirement may be reduced by the Planning Board as an incident of special permit review when the Planning Board finds that the following circumstances apply: the property line in question a) separates two properties that are both part of a commercial wind powered electricity generation facility, and b) either, i) both properties on each side of the boundary line in question will have electricity generation or transmission facilities constructed on them as part of the project under review, or ii) the owner of the property for which the reduced setback is sought executes and presents for recording a development easement satisfactory to the Town in which the reduced setback is consented to, and construction within, and use of the easement area is appropriately restricted.
  - 2. No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure, and a determination by the Planning Board of appropriate setback distances on the basis of that documentation.

606.6.2 No special use permit shall be granted for commercial wind power electricity generation and/or transmission facilities unless it is determined by the Planning Board that the proposed use meets all of the following criteria, in addition to those general criteria listed in subsection 606.6.1:

- A. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- B. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- C. Use of nighttime, and overcast daytime condition, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration shall be subject to on-site field testing before the Planning Board as a prerequisite to that Board's approval as it applies to existing residential uses within 2000' of each tower for which such strobe lighting is proposed.
- D. No individual tower facility shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way or publicly owned land within the Town of Lincoln, or that extends beyond the border of the Town of Lincoln.
- E. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at the boundaries of all of the closest parcels that are owned by non-site owners and that abut either the site parcel(s) or any other parcels adjacent to the site parcel held in common by the owner of the site parcel as those boundaries exist at the time of special use permit application.
- F. No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- G. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- H. All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.
- I. Procedures acceptable to the Planning Board for emergency shut-down of power generation units shall be established and posted prominently and permanently on at least one location on the road frontage of each individual unit site.
- J. Prior to issuance of a Building Permit, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance

company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might result from the failure of a tower or towers or any other part(s) of the generation and transmission facility.

606.6.3 In addition to the site plan materials otherwise listed in this local law, the following material shall be submitted to the Planning Board for the Board's special permit review of applications for commercial wind power electricity generation and/or transmission facilities:

- A. Digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other locations, to a distance radius of three miles from the center of the project. Scale used shall depict 3-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing cultural features.
- B. No fewer than four and no more than the number of proposed individual wind turbines plus three, color photos, no smaller than 3"x5", taken from locations within a 3-mile radius from it and to be selected by the Planning Board, and computer-enhanced to simulate the appearance of the as-built aboveground site facilities as they would appear from these locations.

606.6.4 The following lot size, dimension and construction standards apply to private wind energy facilities only:

- A. Private wind energy systems may only be placed only in the AR-1 and AR-2 zoning districts.
- B. The private wind energy system shall not exceed the total minimum height established by the New York State Energy Research and Development Authority ("NYSERDA") for grant funding at a wind speed of ten miles per hour.
- C. The wind energy system tower must be set back from all property lines and public highways, all driveways and buildings, and all overhead utility and communications lines, a distance equal to 1.5 times its total height. The area around the facility shall be designed to prevent unauthorized access.
- D. The wind energy system shall:
  1. display appropriate warning signs (e.g., electrical hazard)
  2. be designed and installed so that no ladder or step bolts are readily accessible to the public for a minimum height of 15 feet above the ground
  3. have ground clearance of no less than 15 feet to the lowest point of any rotating blade
  4. utilize electrical panel access doors that are lockable

5. utilize an automatic braking system to prevent uncontrolled rotation
6. utilize only underground power lines leading to and from the wind energy structure, which lines shall be installed in accordance with applicable codes.

E. Unless otherwise specified by FAA requirements, the wind energy system shall be painted a non-reflective, non-obtrusive color that conforms to the environment. The system may not be artificially lit.

F. The wind energy system shall not exceed audible sound levels specified by the manufacturer, as measured at a point 200 feet from the tower base.

G. The construction of a wind energy system shall only remove the natural vegetation necessary for the construction, operation, and maintenance of the system.

H. No more than one private wind energy system shall be permitted per lot.

I. The private wind energy system may not interfere with utility or electromagnetic communication lines.

J. No experimental, homebuilt, or prototype wind turbines shall be allowed without documentation by the applicant of their maximum probable blade throw distance in the event of failure, and a determination by the Planning Board of appropriate setback distances on the basis of that documentation.

K. No advertising may be included on any portion of the wind energy system.

L. All facilities shall be sited in the location that will have the least off-site visual impact.

# **Appendix J**

## **Sample Sign Regulations**

## **Section 606.7.1 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

**SIGN** - Any material, structure or device or part thereof composed of lettered or pictorial matter, which is located out-of-doors or on the exterior of any building or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

**COPY-CHANGE SIGN** - A sign on which the visual advertising message may be electronically pre-programmed to change.

**DIRECTIONAL SIGN** - A sign limited to providing information on the location of an activity, business or event.

**FREESTANDING SIGN** - Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground; included are pole signs, pylon signs and masonry wall-type signs.

**ILLUMINATED SIGN** - Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

**OFF-PREMISES SIGN** - A sign unrelated to a business or a profession conducted or to a commodity or service sold or offered upon the premises where the sign is located.

**PERMANENT SIGN** - Any sign which is painted on, etched into, or otherwise structurally attached to the ground, a building, a structure, or another permanent sign.

**PORTABLE SIGN** - A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

**TEMPORARY SIGN** - Any sign fabricated of paper, plywood, fabric, window whitewash, or other light impermanent material, which relates to a single activity or event having a duration of no more than sixty (60) days.

**SIGN SURFACE AREA** - The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign.



## **Section 606.7.2 General Regulations.**

Except as otherwise provided, no person shall erect, alter or relocate any permanent sign without first obtaining a permit from the Code Enforcement Officer. Subsequent to this initial application, no permit shall be required for a sign to be repainted, repaired or have its message changed.

## **Section 606.7.3 Specific Sign Regulations.**

**A. Exempt signs** (require no permits). The following types of signs may be erected and maintained without a permit or fee, provided that such signs comply with the general requirements of this section and other conditions specifically imposed by the regulations:

(1) Historical markers, tablets and statutes, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six square feet.

(2) Flags and insignia of any government, except when displayed in connection with commercial promotion.

(3) On-premises directional signs for the convenience of the general public, identifying parking areas, fire zones, entrances and exits and similar signs, not exceeding four square feet per face and mounted not more than six feet above grade. Business names and personal names shall be allowed, excluding advertising messages.

(4) Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face.

(5) One on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for permitted home occupations, not exceeding four square feet and located outside the highway right-of-way. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.

(6) Number and nameplates identifying residents, mounted on a house, apartment or mailbox, not exceeding one square foot in area.

(7) Lawn signs identifying residents, not exceeding two square feet. Such signs are to be nonilluminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.

(8) Private-owner merchandise sale signs for garage sales and auctions, not exceeding four square feet for a period not exceeding seven successive days for each such event.

(9) Nonilluminated "For Sale," "For Rent" and real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In all zoning districts, one sign not exceeding four square feet per side shall be permitted. All such signs shall be removed within three days after the closing of the sale, lease or rental of the premises, or upon expiration of the listing agreement.

(10) Holiday decorations, including lighting, are exempt from the provisions of this section and may be displayed in any district without a permit.

(11) Temporary directional signs for special, nonrecurring meetings, conventions and other assemblies. Signs shall be limited to two per meeting or event and shall not be erected more than two days prior to the meeting or event, and all signs shall be removed within two days after the meeting or event.

(12) Political posters, banners, promotional devices and similar signs, not exceeding 32 square feet, provided that placement shall not exceed 60 days prior to the election, and all signs shall be removed within three days after the election.

(13) Any sign advertising a private vehicle for sale, subject to a limitation of one sign per vehicle which shall not exceed four square feet.

(14) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies may be erected on the premises of such institutions. One such sign or bulletin board not exceeding 20 square feet may be erected for each entrance on a different street or highway.

(15) Signs necessary for the identification, operation or production of a public utility, not exceeding 20 square feet, may be erected on the premises of such public utility.

## **B. Prohibitions.**

(1) No off-premises signs shall be allowed other than as permitted under the exempt signs provision of § 606.7.3A.

(2) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature.

(3) No sign shall be permitted within the street or highway right-of-way.

(4) No sign shall impair visibility for the motorist at a street corner or intersection.

(5) No sign or sign supports shall be placed upon the roof of any building.

(6) No permanent sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.

(7) No advertising message shall be extended over more than one sign placed along a street or highway.

(8) Copy change signs shall not be permitted.

### **C. Sign permit required.**

#### **(1) Permanent signs.**

(a) Within any zoning district, the following permanent signs may be erected upon the issuance of a permit by the Code Enforcement Officer. If the sign is to be erected in association with a use or development that also requires special permit or site plan approval, approval of the Planning Board shall be required prior to the issuance of the permit by the Code Enforcement Officer.

[1] Off-premises directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service or community facility may be erected, provided that such signs do not exceed ten (10) square feet per establishment nor total more than two such signs per establishment. The message shall be limited to name or identification, arrow or direction and distance. Advertising messages shall be prohibited.

[2] On-premises advertising signs for business, commercial and industrial uses, subject to the limitations hereafter stated in the following subparagraph (b).

(b) For business, commercial and industrial uses, the following permanent sign provisions shall apply:

[1] The total number of permitted signs on a single business or industrial lot shall not exceed two, of which one may be freestanding.

[2] The total cumulative area of all signs permitted on the lot shall not exceed 150 square feet.

[3] No freestanding sign shall be located less than five feet from the side property line. No freestanding sign may be located less than 50 feet from any other freestanding sign.

[4] If for any reason the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within 90 days to conform with the minimum setback requirements.

[5] No freestanding sign shall be more than 75 square feet per side for a double-faced sign.

[6] No freestanding sign shall be more than 25 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including support structures.

[7] No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

[8] Masonry, wall-type signs shall not exceed four feet in height and shall not be placed so as to impair visibility for motorists.

(2) Temporary / Portable signs. Upon issuance of a permit by the Code Enforcement Officer, a new business or a business in a new location, awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever comes first. A separate permit for such a portable sign shall be required. Temporary signs shall not exceed 32 square feet, nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and/or welfare of the general public.

**D. Nonconforming signs.** In the event that a sign lawfully erected prior to the effective date of this section does not conform to the provisions and standards of this section, then such signs shall be allowed to be maintained. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.

**E. Removal of signs.** Any sign, existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed.

(1) If the Code Enforcement Officer shall find that any sign regulated in this section is not used, is coded in advertising, is abandoned, unsafe or insecure or is a menace to the public, the Code Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer shall revoke the permit issued for such sign and may remove or repair the sign and assess the owner for all costs incurred for such services.

(2) The Code Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

## **Section 606.7.4 Construction Standards.**

### **A. General.**

- (1) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (U.L. 48) of Underwriters Laboratories, Inc., and bear the seal of Underwriters Laboratories, Inc.
- (2) All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
- (3) All freestanding signs requiring a permit shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.
- (4) All signs shall be securely anchored and shall not swing or move in any manner.
- (5) All signs, sign finishes, supports and electrical work shall be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose supports, braces, guys and anchors.

## **Section 606.7.5 Application Procedure.**

- A. Application procedure. Applications shall be made in writing to the Code Enforcement Officer, on forms prescribed and provided by the Town, and shall contain the following information:
- (1) The name, address and telephone number of:
    - (a) The applicant.
    - (b) The owner of the property.
  - (2) The location of the building, structure or land upon which the sign now exists or is to be erected.
  - (3) If a new sign is to be erected, elevation and plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall cover the following:
    - (a) Location on the premises, specifically, its location in relation to adjacent buildings, structures and property lines.
    - (b) The method of illumination, if any, and the position of lighting or other extraneous devices and a copy of the electrical permit and/or the lighting manufacturer's requirements related to the electrical connections.

- (c) Graphic design, including symbols, letters, materials and colors.
  - (d) The visual message, text, copy or content of the sign.
- (4) Written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
- (5) A letter size, self-addressed, stamped envelope.
- (6) Incomplete applications shall not be reviewed and must be resubmitted. The applicant shall be notified in writing, via regular U.S. mail, if the application is incomplete. The incomplete application shall also be returned to the applicant at that time.

B. Permit. Upon the filing of a completed application for a sign permit and the payment of the required fee, if such a fee has been established by the Town Board, the Code Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with all the requirements of this section, he/she shall then, within seven (7) days forward the application to the Planning Board for review at its next scheduled meeting. The Planning Board shall examine the application, determine whether the requirements of Subsection 606.7.3 of this Section have been met, and then either approve the application, deny the application, or approve the application upon the imposition of appropriate conditions. Upon approval of the application, and/or the applicant's compliance with any conditions imposed upon such approval, the Planning Board shall issue the sign permit. The issuance of a permit shall not excuse the applicant from conforming to the other laws of the Town of Lincoln. If the erection of the sign authorized under any such permit has not been completed within six (6) months from the date of issuance, the permit shall become null and void but may be renewed within thirty (30) days prior to the expiration, for good cause shown, for an additional six (6) months upon payment of one-half ( $\frac{1}{2}$ ) of the original application fee.

C. Permit period. The sign permit shall remain effective for the life of the sign, provided that all provisions of this section are complied with.

D. Permit fee. A one-time fee as set forth from time to time by the Town Board shall be imposed for each permanent sign, except that there shall be no fee to obtain a permit for a permanent sign existing as of the effective date of this section if such application is made within ninety (90) days of such effective date.

# **Appendix K**

## **Sample Telecommunications Tower Regulations**

## Section 606.8 Telecommunications Towers

A. Purpose. The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town, to provide standards for the safe provision of telecommunications consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the Town of Lincoln. The provisions of these regulations do not apply to towers in amateur radio service. Nor are these regulations intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall they be used to discriminate among providers of functionally equivalent services consistent with current federal regulations.

### B. Definitions.

Accessory Facility—An accessory facility serves the principal use, is subordinate in area, extent and purpose to the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.

Antennae—A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

Telecommunication Tower—A structure on which transmitting and/or receiving antenna(e) used in connection with a commercial enterprise are located.

### C. Application of Special Use Regulations:

1. No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a Special Use Permit and in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.
2. The applicant shall demonstrate with a reasonable degree of certainty that the proposed location and height for the telecommunications tower is necessary to meet the frequency re-use and spacing needs of the system, and to provide adequate coverage in the Town.
3. Exceptions to these regulations are limited to (i) new uses which are accessory to residential uses and (ii) lawful or approved uses existing prior to the effective date of these regulations.



4. Where these regulations conflict with other laws and regulations of the Town of Lincoln, the more restrictive shall apply, except for tower height restrictions, which are governed by the following Special Use Permit standards.

#### D. Special Use Permit Standards.

##### 1. Site Plan.

- a. An applicant shall be required to submit a site plan showing all existing and proposed structures and improvements, including roads, and shall include grading plans for new facilities and roads. The site plan shall also include documentation on the proposed intent and capacity of use, as well as a justification for the height of any tower or antennae, and justification for any land or vegetation clearing required.
- b. Additionally, the Planning Board shall require that the site plan include a completed SEQR Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the Visual EAF. The Planning Board may require submission of a more detailed visual analysis based on the results of the Visual EAF.

##### 2. Shared Use.

- a. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.
- b. An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new-shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes

including real property acquisition or lease required to accommodate shared use.

- c. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
3. Setbacks. Towers and antennae shall be erected only to such height as is necessary to accomplish the purpose they are to serve. Front, rear, and side setback requirements shall be the height of the tower plus ten percent (10%), or the front, side, and rear yards, required by the district increased an additional foot, whichever is greater. Additional setbacks may be required by the Planning Board to contain on-site ice fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and any accessory facilities.

#### 4. Visibility.

- a. All towers and accessory facilities shall be sited to have the least adverse visual effect on the environment.
  - b. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree line unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to freestanding structures except where such freestanding structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
  - c. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
5. 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 Use Permit. Clear cutting of trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

6. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower 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 feet in height within two 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.
7. Access and Parking. An access road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and 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. Public road standards may be waived by the Town in meeting the objectives of this subsection.
8. Signs. Signs shall not be permitted on towers, antennae, or related accessory facilities, except for signs displaying owner contact information and/or safety instructions. There shall be a maximum of two such signs, and shall not exceed five (5) square feet in area per sign.
9. Utility connections to towers and accessory facilities shall be underground.
10. Towers and related facilities shall be maintained in good working condition and repair. Towers shall be inspected annually by a professional engineer, licensed in the State of New York, for structural integrity and continued compliance with these regulations. A copy of the inspection report, including findings and conclusions, shall be submitted to the Town's Code Enforcement Officer no later than December 31 of each year.

#### E. Authority to Impose Conditions.

1. The authorized board(s) shall have the authority to impose such reasonable conditions and restrictions upon the Special Use Permit and/or site plan approval as may be directly related to the achievement of the purposes

envisioned by this section with respect to the proposed telecommunication tower.

2. Such conditions shall include provisions for dismantling and removal of towers and accessory facilities upon abandonment of use, including posting of a financial bond of security.