

**TOWN OF MIDDLESEX**  
**LOCAL LAW NO. 5 of the Year 2008**  
**A Local Law for the Purpose of Amending the Zoning Law of the Town of Middlesex**

WHEREAS, the Zoning Law of the Town of Middlesex was duly filed with the New York State Department of State on February 26, 1999 as Local Law #1 of 1999, (the "Law"); and

WHEREAS the Town Board of the Town of Middlesex wishes to amend certain provisions of the Law to provide for the regulation of tram systems within the Town;

NOW, THEREFORE, be it enacted by the Town Board of the Town of Middlesex as follows:

1. The Zoning Law of the Town of Middlesex shall be amended to read as follows:

A. Section 200.101 Structure is amended to add "tram systems" to the definition of "Structure". Section 200.101 is amended to read as follows:

"200.101 Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. "Structure" includes but is not limited to buildings, walls, retaining walls, steps, tram systems, solid fences, decks, storage tanks, wells, swimming pools, radio towers, billboards, and poster panels."

B. Article II is amended to add a new section 200.108 to read as follows:

"200.108 Tram Systems/Replacement Trams. A construction or an assembly of materials the use or occupancy of which requires a fixed location on the ground which is a mechanical lifting device to transport people and personal property to and from an upland area and a lowland area. The device may consist of tracks affixed to the ground or above the ground on posts or pilings, and a cart raised or lowered along the tracks by an electrical winch and cable system or other similar system, provided it is designed and built in a manner that ensures control of soil and water erosion practices, as well as manufacturer's and national standards (See section 609). A tram system as defined herein shall be built and used as an accessory structure to a one-family dwelling and may not be built or used for commercial purposes. This definition shall apply to construction of new tram systems as well as replacement of tram systems existing as of the effective date of this law."

Sections 200.108 – 200.120 are re-numbered as sections 200.109 – 200.121.

C. Section 402, Schedule I, part D – Utility & Miscellaneous Uses shall be amended to add tram systems as a permitted land use activity within the Town of Middlesex: see attached.

D. Section 609 is added to provide regulations for the installation and

replacement of tram systems located in the Town of Middlesex. Section 609 shall read as follows:

Section 609. TRAM SYSTEMS

A tram system shall be constructed or replaced in the Town of Middlesex in accordance with the following procedures and standards.

609.1 Application for permit

- a. A tram system is permitted with a building permit as an accessory structure to a single family residence.
- b. The building permit shall be issued only to serve a private single-family residence tram system as defined in the American Society of Mechanical Engineers (ASME) Standard 17.1, section 5.4.
- c. A building permit will be issued upon Site Plan approval by the Town Planning Board (see sec. 700 )
- d. The application shall include an emergency access plan to be filed with the Fire Chief of the Town of Middlesex to document the location of the tram system and the site's accessibility for emergency services in the event of a fire or accident.

609.2 Site Plan requirements – In addition to adherence to the requirements of Section 700 herein, the Site Plan shall include the following:

- a. Mechanical plan - must adhere to the National Standard ASME A17.1., section 5.4 Residential/Private Use Elevators, and must include a certification of compliance with this standard.
- b. Site plan shall be a site specific foundation plan stamped by a NYS licensed Professional Engineer which shall include geo-technical investigation of the site, and foundation design for landings, equipment and above grade structure.
- c. Site Plan shall comply with Town of Middlesex Storm Water and Erosion Control Management Law.
- d. Site plan shall include a Soil and Erosion Plan approved by Yates County Soil and Water Conservation Services.
- e. Site Plan is subject to SEQRA review.
- f. Proof of liability insurance coverage for engineer or installer of tram system

609.3 Aesthetics

- a. In granting site plan approval, the Planning Board shall consider the steep nature of terrain, natural features and vegetation, scenic views within the Town, particularly the view from and use of the lake, and the character of the surrounding neighborhood.
- b. Tram systems and their landings in the Lake Residential District shall be located in the most visually inconspicuous

portion of the property as viewed from the surface of the lake assuming summer leaf-on conditions whenever practical and as advised by a NYS licensed geo-technical engineer.

- c. Canopies and roofs are not permitted on the tram system or the landing.
- d. The site plan shall include a site reparation plan for replanting groundcover for stabilization of the land, as well as visual camouflage.
- e. Paint or trim colors on the tram system shall be of earth tones so as to blend into the environment.

#### 609.4 Inspection

- a. An independent NYS certified elevator inspector or certified engineer shall inspect the system at completion to certify that the system was properly constructed in accordance with the submitted plans. The inspection report shall be filed with the Town CEO upon completion of the tram system.
- b. Use of the tram system may not occur until the inspection report has been so filed.
- c. Property owner shall be solely responsible for future periodic inspections and maintenance requirements.

2. This amendment shall take effect upon the filing of this local law with the Department of State.

Section 402, Schedule I  
D. Utility and Miscellaneous Uses.

|   |    |    |    |    |    |    |  |   |                                     |
|---|----|----|----|----|----|----|--|---|-------------------------------------|
| 1. In ground swimming pool, tennis court and similar private outdoor recreation facility  |    |    |    |    |    |    |  |   |                                     |
| 2. Above ground swimming pool   | P  | P  | P  | P  | P  | P  |  |   |                                     |
| 3. Signs  | SC | SC | SC | SC | SC | SC |  | X | Sec.501.1<br>Sec. 501.1<br>Sec. 706 |
| 4. Billboard  | N  | N  | N  | N  | N  | N  |  |   |                                     |
| 5. Public utility substation  | SP | N  | N  | N  | N  | SP |  | X | Sec.502.2.<br>Sec. 502.2            |
| 6. Public utility service/distribution (gas, electric, phone, water, sewer, tv cable); but excluding substations, storage yards and transmission towers | P  | P  | P  | P  | P  | P  |  | X |                                     |
| 7. Electric/gas transmission lines  | SP | N  | N  | N  | N  | SP |  | X | Sec.502.2.<br>Sec. 502.2            |
| 8. Wind mill, solar panel, similar alternative energy sources   | SP | SP | SP | SP | SP | SP |  | X | Sec. 502.2                          |
| 9. Solid waste recycling or transfer operation  | N  | N  | N  | N  | N  | SP |  | X | Sec.502.2.<br>Sec. 502.2            |
| 10. Solid waste landfill  | N  | N  | N  | N  | N  | N  |  |   |                                     |
| 11. Tower for commercial reception or transmission of electronic signals  | SP | N  | N  | SP | SP | SP |  | X | Sec.502.2.<br>Sec. 502.2            |
| 12. Toxic waste disposal  | N  | N  | N  | N  | N  | N  |  |   |                                     |
| 13. Removal of rock, gravel, sand, soil or other natural deposits for commercial purposes   | SP | N  | N  | SP | N  | SP |  | X | Sec. 502.2<br>Sec. 502.2            |
| 14. Tram systems  | P  | P  | P  | P  | P  | P  |  | X | Sec. 609                            |
|   |    |    |    |    |    |    |  |   |                                     |
|   |    |    |    |    |    |    |  |   |                                     |

(Amd. 9/08)