

Review of Town of Parma Regulations

Zoning Provisions Pertaining to Agriculture

- The stated purpose of the Agricultural Conservation (AC) District is “to regulate land use, which includes working farmland, fallow land, woodland and wetland areas, for low-density residential development in a manner to support agricultural operations, to preserve open spaces and to conserve the natural environment.” The purpose should be clarified to specify agriculture as the primary use and residential uses as secondary.
- The Town zoning regulations permit agricultural operations “by right” in all zoning districts, with some restrictions:
 - In the AC, RR, MD, HD and WF districts, the following conditions apply:
 - Buildings in which farm animals are kept or agricultural products handled must be at least 150 feet from the front lot line and at least 100 feet from a side or rear property line
 - Storage of waste or products from agricultural operations must be 100 feet from any lot line
 - Temporary sales of farm products are permitted, provided that any structures are at least 25 feet from the edge of the roadway and a suitably graded 1200 sq.ft. area is provided for customer parking
 - A minimum of 5 acres is required.
 - In the RB, GC, HC and I zones, no new agricultural buildings with a capital cost exceeding \$10,000 may be constructed.
- Keeping horses is allowed as an accessory use in the AC, RR, MD and HD districts, subject to the following conditions:
 - Boarding horses that do not belong to the landowner requires a special use permit from the ZBA. Specific criteria for granting such a permit are not provided
 - Size of structures is limited to 6,000 sq. ft. and 15% of the rear yard area
 - Stables must be set back 150 feet from the front lot line and 100 feet from any side or rear boundary line.
 - Fencing a minimum of 4 feet high and maximum of 10 feet high shall enclose the animals

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- Minimum lot size of 2.5 acres for 1-2 horses, 5 acres for 3-5 horses. An additional acre per horse for 6-10 horses, and an additional ½ acre per horse for 1+ horses.
- Limitation on size of accessory buildings does not apply to farm operations.
- Temporary housing to support an individual agricultural operation is permitted with a special use permit in the AC, RR, MD and HD districts, subject to the following criteria:
 - Justification of need, such as full time employment by occupant with the agricultural operation
 - Occupied only during planting, growing and harvesting season
 - Not to be used, leased or rented to a person who is not affiliated with the agricultural operation
 - Located on the same parcel as the agricultural operation
 - Comply with State Codes.
 - Have approved septic system or connection to public sewer
 - Driveway to a public highway
 - One parking space per housing unit
 - Anchored to concrete pad or attached to a building foundation
 - Separate storage area of 1600 cubic feet.
 - Located on a portion of the farm that causes least disruption to farming operations
 - Land area not to exceed 5% of total lot area
 - Meet front, side and rear setbacks for principal buildings in the AC zone
- Agricultural crops may not exceed 3 feet in height or obstruct vision within 50 feet from the edge of the pavement at a road intersection
- Storage of animal waste is exempt from the prohibition on solid or liquid waste storage or disposal without the permission of the Town Board
- Customary agricultural practices are exempt from the prohibition on dumping
- One of the criteria for approving a special use permit for dumping is whether the activity will render land unproductive or unsuitable for agricultural purposes.
- Fence regulations

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- No permit is required for fences associated with an agricultural use
- Open fences are permitted, as necessary, to restrain livestock

Consistency with NYS Department of Agriculture & Markets Guidelines

NYS Agricultural Districts law states that local governments “shall not unreasonably restrict or regulate farm operations within agricultural districts ... unless it can be shown that the public health or safety is threatened.” The NYS Department of Agriculture and Markets provides guidance and reviews local laws upon request to determine if a provision is “unreasonable.”

Some of the provisions in Parma’s zoning regulations may be determined to unreasonably restrict farming practices if they were challenged by a farmer. For example, the restriction on building a structure valued at more than \$10,000 in a General Business district, if it were applied to a farm operation, could be held to be invalid.

Horse boarding is considered to be an agricultural practice according to the NYS Ag. District Law if the operation utilizes 7 acres or more, boards a minimum of 10 horses and receives \$10,000 in gross income from fees from boarding or other agricultural products. A horse boarding operation that meets these requirements and is located within the Agricultural District may be exempted from the requirement to apply for a special use permit, the maximum building size and the limitation on the number of horses per acre.

Other provisions of Parma’s local regulations have been challenged by farmers. These include provisions against barking dogs, fencing and commercial operations.

Recommended Changes

The following narrative summarizes the changes that are recommended to the zoning regulations to ensure consistency with NYS Agriculture & Markets guidelines.

Agricultural Conservation District

- Revise Purpose to expressly support agriculture as a priority use
- Specify that businesses that are accessory to a farm operation are permitted (i.e., food service, entertainment, retail sales)
- Remove the provision requiring a property line setback for storage of agricultural materials.
- State that the storage of waste materials needs to meet EPA and NYS Department of Health guidelines.

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- Delete the minimum lot size requirement for a farm operation
- Make setback requirements for animal housing consistent with setback requirements for other types of buildings, except that a setback of 150 feet from any well or waterbody should be required for animal housing and storage of animal waste.

Restricted Business (RB) District

- Eliminate the requirement that limits the capital cost of new agricultural structures to \$10,000.

Farm Worker Housing

- Establish provisions for year-round as well as seasonal housing
- Allow farm worker housing in any district that permits agriculture
- Eliminate the requirement that farm worker housing be located on the same parcel as the agricultural operation.

Animal Boarding/ Horses

- Incorporate a provision that provides an exception for operations located in a County Agricultural District that meet the definition of “farm” established by NYS Agriculture & Markets

Zoning Map

- Revise the boundaries of the Agricultural Conservation zoning district to include additional land where farming is a predominant use. Consider rezoning the following areas:
 - south of Curtis Road, west of North Ave to the Town line
 - the area bounded by Manitou, Curtis, Moul and Lighthouse Roads
 - the area bounded by Manitou, Parma Center, Burritt and Butcher Roads

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations

District Regulations

§ 165-31. Agricultural Conservation (AC) District.

A. Purpose. The purpose of the Agricultural Conservation (AC) District is to regulate land use, which includes working farmland, fallow land, woodland and wetland areas, for low-density residential development in a manner to support agricultural operations, to preserve open spaces and to conserve the natural environment.

Comment [b1]: The purpose should be reworded to expressly support agriculture as a priority use and to also accommodate low-density residential development.

B. Permitted principal uses.

(1) One single-family dwelling.

(2) Customary agricultural operations, including but not limited to plant nursery, greenhouse operations, fruit growing and processing, dairy, animal husbandry, wood cutting, feed and farming operations, storage of farm produce, and repairing of farm implements incidental to the maintenance of the agricultural operations, subject to the following restrictions:

Comment [b2]: These provisions are also included in regulations for the RR, MD, HD, RB, GC, HC, and LI zones.

(a) No building in which farm animals are kept or agricultural products are handled shall be closer than 150 feet to the front lot line and 100 feet to a side or rear property line.

Comment [b3]: These setback requirements are larger than those for other uses.

(b) No storage of waste materials or products from the agricultural operations shall be permitted within 100 feet of any adjoining lot line.

Comment [b4]: These setback requirements need to have a basis in protecting the public health and safety, such as setbacks from private wells.

(c) Farm frontage may be used for the sale of farm products provided any temporary or movable stand, table or shelf used for the display or sale of such product shall be at least 25 feet from the nearest edge of the roadway. An open area of at least 1,200 square feet suitably graded shall be provided for off-street customer parking. Permanent buildings for such purpose must comply with principal building requirements as to setback and side yards.

Comment [b5]: These provisions are probably reasonable, but may be overturned in particular case. Consider adding an exception to allow use of a pre-existing building that may not meet the setback requirements for a principal building.

(d) Premises for agricultural operations shall not be less than five acres in size.

Comment [b6]: This requirement should be removed.

C. Permitted accessory uses.

(1) Home occupations, as defined herein, conducted by the resident only, provided that there is no external evidence of such operations, except one sign not exceeding two square feet in area. [Amended 4-15-2003]

Comment [b7]: There should be some allowance for farm-related businesses

(2) A one-story garage, greenhouse, storage barn or utility shed. Excluding the garage, the total area of all accessory structures associated with a single-family residence shall not exceed 2,000 square feet, provided that such building or use is incidental to the principal use. This requirement shall not apply to farm operations.

(3) Decks or porches, provided that the total area does not exceed the first-floor area of the primary dwelling.

(4) Tennis courts or swimming pools for the private, noncommercial use of the residents of the premises.

(5) Seasonal storage of recreational vehicles shall be permitted only if the vehicle is owned by an occupant of the residence.

(6) The keeping of horses and other animals according to the requirements of Article X of this chapter.

Comment [b8]: See comments on these requirements.

(7) Dish antennas/towers according to the requirements of Article X of this chapter.

D. [Amended 12-1-1998] Special permitted uses. The following uses may be permitted by the Zoning Board of Appeals according to the requirements of Article IX of this chapter:

- (1) Temporary housing to support an individual agricultural operation.
- (2) Animal boarding facilities.
- (3) Cemeteries.
- (4) Essential services, excluding structures, maintenance facilities or storage yards for area utility services.
- (5) Tourist homes.
- (6) Camping grounds.
- (7) Accessory apartments.
- (8) Golf courses, excluding indoor recreation facilities.
- (9) Golf driving ranges.

E. Dimensional requirements for the Agricultural Conservation (AC) District.

- (1) The dimensional requirements for this district are specified in Schedule I which is a part of this chapter. EN
- (2) The minimum total living area of the single-family dwelling, excluding the area of the garage or porch, shall be:
 - (a) One-story building: 1,600 square feet.
 - (b) One-and-one-half-story building, or split-level: 1,800 square feet.
 - (c) Two-story building, or raised ranch: 2,000 square feet.
- (3) Each principal dwelling unit shall have, at a minimum, one two-car garage, at least 20 feet in width and containing an area of not less than 480 square feet.

§ 165-37. Restricted Business (RB) District.

B. Permitted principal uses.

- (11) Customary agricultural operations, structures and uses as specified in § 165-31B of this chapter, except that no new buildings or structures with a capital cost exceeding \$10,000 may be built to serve an agricultural use in this district. Upon application, the Town Board may waive this \$10,000 limitation.

Comment [b9]: See comments on these requirements.

Comment [b10]: If the horse boarding is an agricultural operation as defined by NYS Ag & Markets, the requirement for a special use permit may not be permitted.

Comment [b11]: These provisions are also included in regulations for the GC, HC and LI zoning districts. Although the restriction would not be considered reasonable as applied to farms in a County Agricultural District, the waiver provision may offer sufficient relief to farmers.

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations

Keeping of Horses and Animal Boarding

§ 165-82. Regulations applicable to all districts

CC. The keeping of horses and the structures related thereto shall be considered customary accessory uses by the owner/occupant of properties in the Town of Parma subject to the limitations specified below:[Amended 4-15-2003]

Number of Horses Minimum Acreage

1 or 2	2.5
3 through 5	5
6 through 10	1 per horse
More than 10	10 acres, plus 1/2 acre per additional horse

Comment [b1]: Ag. & Markets requires 7 acres for a commercial horse boarding operation. Larger minimum acreage requirements may be found "unreasonable" when applied to farms within a County Agricultural District.

(1) Boarding or keeping of horses which belong to individuals other than the owner/occupant shall be prohibited unless a special permit for such purpose is approved by the Zoning Board of Appeals.

Comment [b2]: Consider adding an exemption for commercial horse boarding within a County Agricultural District. A streamlined site plan review process would be acceptable.

(2) In addition, no structure or combination of structures used in the housing, storage or exercising of horses shall exceed 6,000 square feet in area. Also, all structures used for keeping horses shall be included, along with other structures, in computing the maximum lot occupancy of 15% of the rear yard area that can be covered by accessory structures.

Comment [b3]: These provisions would not be considered "reasonable" when applied to a "commercial horse boarding operation" within a County Ag. District.

(3) Any stable shall be set back at least 150 feet from the front lot line and 100 feet from any side or rear boundary line. Any exercise/building pens attached to a stable housing riding horses shall be located to the rear of such building and screened from adjacent properties. The barns, stalls, paddocks and any other grounds where horses are kept shall be maintained in a clean and sanitary condition so as not to create a condition or odor that would be objectionable to persons occupying adjoining property.

Comment [b4]: For commercial horse boarding within a County Agricultural District, setback requirements for farm buildings should be comparable to those for other structures in the zoning district. Setback from a private well would be reasonable.

DD. Fencing. Fencing shall be erected and maintained around any paddock area, pasture area or any other area outside of the stable or structure where a horse or animal is housed. Such fences shall be a minimum of four feet in height, except an electrical fence which may only be three feet in height, supported by wooden or steel posts at intervals of not more than 10 feet. Such fence shall be of sufficient strength and may be either a three or four board wooden rail fence, and shall be strongly secured to each post. Any opening in said fence shall have a self-closing gate of sufficient strength to contain the animals.

Comment [b5]: Screening requirements are not considered "reasonable" for farms in Ag. Districts.

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations

Keeping of Horses and Animal Boarding

ANIMAL BOARDING -- The keeping of **any horse or animal** on the premises that is not owned by the owner or lessee of said premises for gain or commercial purposes.

Comment [b6]: Consider creating a separate definition for "horse boarding," as there are separate requirements for a special use permit.

§ 165-57. **Animal boarding facilities.** [Amended 12-1-1998]

Comment [b7]: There are inconsistencies between these regulations and those for the "keeping or boarding of horses."

The Zoning Board of Appeals may approve a permit for animal boarding facilities within the AC Agricultural Conservation, RR Rural Residential and MD Medium Density Residential Districts, provided that the following standards and conditions are maintained:

- A. The minimum size parcel of land shall be five acres.
- B. An enclosed structure shall be provided for each animal to be boarded.
- C. No animal boarding structure shall be located closer than 150 feet to a residential structure on an adjacent lot.
- D. No animal boarding structure shall be closer than 150 feet to the front lot line and 100 feet to a side or rear property line.
- E. No outdoor runs or open exercise areas shall be visible from any adjacent residential zoned site. All openings from the enclosed structure to the exercise area shall be screened and buffered from any adjacent residential sites.
- F. No outdoor storage of feed shall be permitted.
- G. No outdoor storage of animal waste shall be permitted.
- H. No deceased animals shall be buried on the premises.
- I. An exercise area shall be provided for each animal. The size of such exercise area shall be based on standards accepted by a nationally recognized animal husbandry organization.
- J. Each application for a special permitted use permit for animal boarding shall be accompanied with a sketch plan showing buildings on the site, exercise area, dumpster, method of animal waste disposal, water supply and watercourses, access, parking, landscaping, site lighting and signage. Similar structures and features on adjacent properties developed for residential purposes shall be shown on the sketch plan if they are located within 100 feet of the site for which the special permitted use permit is being requested.
- K. All outdoor exercise areas shall be enclosed by a fence of adequate height to contain the animal being boarded.

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations

Farm Labor Housing

§ 165-56. Temporary housing to support agricultural operations. [Amended 12-1-1998]

The Zoning Board of Appeals may approve the construction and maintenance of temporary housing to support an individual agricultural operation within the AC Agricultural Conservation, the RR Rural Residential, the MD Medium Density Residential and the HD High Density Residential Districts, provided that the following standards and conditions are maintained:

A. In addition to the information required in the special permit application and enumerated in Article IV, the maximum number of temporary housing units allowed for an individual agricultural operation shall be based on:

(1) Justification of need for the number of dwelling units requested. This justification is to be based on, among other items, full time employment by one or more persons living as a family in the temporary dwelling unit and deriving their principal income from the individual agricultural operation for which this special permitted use permit is requested.

(2) A temporary housing unit shall only be occupied during the planting, growing and harvesting season for the agricultural operation. At all other times the temporary housing unit shall be secured and maintained in a state of good repair.

(3) No temporary housing unit shall be used, leased or rented to another person if that person does not have a legal interest established with the individual agricultural operation.

(4) All temporary housing units shall be located on the same parcel as the individual agricultural operation.

(5) All temporary housing units shall comply with the standards of the State Uniform Fire Prevention and Building Code.

(6) All temporary housing units shall have a septic system approved by the Monroe County Department of Health, or an approved connection to a public sewer system.

(7) All temporary housing units shall have a driveway to a public highway. To the extent possible, this driveway shall be combined with the driveway for the owner of the individual agricultural operation and any other driveways for all other temporary housing units associated with said individual agricultural operation.

(8) All temporary housing units shall have a designated area for parking of at least one vehicle per housing unit. This parking area shall be located adjacent to, or within 100 feet from, the main entrance to each temporary housing unit. All such parking area(s) shall be adequately screened or buffered from existing dwelling units or adjacent residential zoned land.

(9) All temporary housing units shall be anchored to a concrete pad or attached to a building foundation.

(10) All temporary housing units shall have a designated storage area of at least 1,600 cubic feet (10 feet by 20 feet by eight feet). The storage area shall be separate from the temporary dwelling unit and screened or buffered from existing dwelling units or adjacent residential zoned land.

(11) All temporary housing units shall be located on that portion of an actively farmed site which the Zoning Board of Appeals had determined would cause the least disruption to continued farming operations. The basis for this determination will include an overall site plan identifying the land needed for production and the land needed in support of said production.

Comment [b1]: Not clear what "temporary housing" means.

Comment [b2]: Should be allowed in any district that permits farming

Comment [b3]: Housing for year-round employees should also be permitted

Comment [b4]: The Town should allow farms to share housing for farmworkers

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations Farm Labor Housing

(12) The maximum land area to be used for temporary housing units shall not exceed 5% of the total area of the parcel.

(13) All temporary housing units, regardless of the zone district, shall be subject to the front, side and rear setback standards specified in Schedule IEN for principal buildings in the AC Agricultural Conservation District.

B. The Zoning Board of Appeals shall require the applicant to prepare and submit an agricultural data statement for all temporary housing units. The data statement shall be referred to the Agricultural Advisory Committee and to the Monroe County Department of Planning and Development as part of any required referral under the provisions of §§ 239-1 and 239-m of the General Municipal Law. Said statement will be used to identify the level of agricultural operations occurring within 500 feet of the site for which the special permitted use permit is requested. Said data statement shall also be used to give notice to adjacent property owners of the request for a special permitted use permit.

Evaluation of Agricultural Provisions in the Town of Parma Zoning Regulations

Incentive Zoning

§ 165-14. Incentive zoning.

A. Purpose. The purpose of these provisions is to offer incentives to applicants who provide amenities that assist the town in achieving specific physical, cultural and social policies described in the Town of Parma Comprehensive Plan and as may be further supplemented by local laws and ordinances adopted by the Town Board.

B. Districts designated for incentives. Land within any zone district may be eligible for zoning incentives. Incentives may be offered to applicants who offer an acceptable amenity to the town in exchange for the incentive.

C. Amenities for which incentives may be offered.

(1) The following amenities may be either on or off the site of the subject application:

(a) Preservation, to the greatest extent possible, of viable agricultural land for farm operations.

(b) Passive and active open space and related improvements.

(c) Road and/or utility improvements.

(d) Cultural or historic facilities.

(e) Provision of senior citizen or "elderly" housing facilities, provided that such uses shall be located in areas which are zoned as RR Rural Residential, MD Medium Density Residential or HD High Density Residential.

(f) Other amenities to residents of the town which help to implement specific physical, cultural and social policies in the Comprehensive Plan.

(g) Cash in lieu of any amenity(ies).

(2) These amenities shall be in addition to any mandated requirements pursuant to other provisions of Chapter 130, Subdivision of Land, and this chapter.

D. Incentives permitted. The following incentives may be granted by the Town Board to the applicant on a specific site:

(1) Changes in residential/nonresidential unit density.

(2) Changes in lot coverage.

(3) Changes in setbacks or height.

(4) Changes in floor area.

(5) Other changes to specific regulations set forth in Chapter 130, Subdivision of Land, and this chapter.

E. Criteria and procedure for approval.

(1) Applications for incentives in exchange for amenities shall be submitted to the Town Board. In order for the town to evaluate the adequacy of amenities proposed in exchange for the incentive requested, the applicant shall provide the following information:

(a) The proposed amenity.

(b) The cash value of the proposed amenity.

Comment [b1]: There should be more detailed guidance regarding how many additional units would be allowed with the acquisition of an easement protecting a certain number of acres of farmland.

(c) A narrative which:

[1] Describes the benefits to be provided to the community by the proposed amenity.

[2] Indicates that there are adequate sewage disposal, drainage, water, transportation, trash disposal and fire protection facilities in the zoning district in which the proposal is located to accommodate the demands generated by the incentive and amenity which are beyond the demands that would be placed on the existing facilities if the district were developed to its fullest potential.

[3] Explains how the amenity helps implement the physical, social or cultural policies of the Town of Parma Comprehensive Plan and as may be supplemented by local laws and ordinances adopted by the Town Board.

(d) The requested incentive.

(2) The Town Board shall review the proposal and inform the applicant as to whether or not the proposal is worthy of further consideration. If it is deemed worthy of further consideration, the applicant may then submit two sketch plans to the Planning Board in accord with the following procedures and requirements:

(a) The first sketch plan.

[1] The first sketch plan shall show how the site will be developed, with the amenity, if it is on-site, and the incentive. In addition to meeting the requirements of Chapter 130, Subdivision of Land, and this chapter, the sketch plan shall also show existing development, property owners' names and tax account numbers for all properties within 500 feet of the property lines of the proposed project or such other distance as specified by the Town Board.

[2] If the incentive will result in an increase in the height of a structure, the applicant shall submit an elevation drawing, at a scale of 1/4 inch equals one foot, which shows the height permitted by district regulations, the proposed additional height, the distance to other principal structures on-site and on adjacent properties and their heights, as well as the locations of all property lines.

[3] If the incentive will result in a reduction of the setback requirement, the drawing shall show this reduction in relation to the principal structures on-site and on adjacent properties, as well as the locations of all property lines.

[4] If the incentive will result in a change to the floor area requirements, the drawing shall note the change in relation to each site.

(b) The second sketch plan shall show existing development, the names of property owners and tax account numbers for all properties within 500 feet of the property line of the project site or such other distances as specified by the Town Board. This sketch plan shall show how the site would be developed exclusive of any amenity or incentive.

(c) The applicant shall also submit such additional information and plans as may be required by the Planning Board which, in its judgment, are necessary in order to perform a thorough evaluation of the proposal.

(3) The Planning Board shall review the proposal and report to the Town Board with its evaluation of the adequacy with which the amenity(ies)/incentive(s) fit the site and how they

relate to adjacent uses and structures. The Planning Board's review shall be limited to the planning design and layout considerations involved with project review or such other issues as may be specifically requested by the Town Board. The Planning Board's report shall be submitted to the Town Board within 70 days from the date of the Planning Board meeting at which the proposal is first placed on the agenda. This time period may be extended/suspended for good cause by the Town Board.

(4) The Town Board shall review the Planning Board's report and notify the applicant as to whether it is willing to further consider the proposal. All requests submitted subject to the incentive provisions of this chapter shall require a public hearing by the Town Board. The Town Clerk shall give notice of all public hearings on incentive zoning requests in the official newspaper of the town at least five days prior to the date of the hearing.

(5) All applicable requirements of the State Environmental Quality Review (SEQR) Act shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of an environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is to be located has sufficient sewage disposal, water, transportation, waste disposal and fire protection facilities to:

(a) Serve the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity/incentive proposal; and

(b) Serve the on-site amenity and incentive, given the development scenario in Subsection E(5)(a) above.

(6) Following the hearing and in addition to compliance with all SEQR requirements, the Town Board shall, before taking action, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to the Planning Board and other town boards and officials for review and comment. In order to approve an amenity/incentive proposal, the Town Board shall determine that the proposed amenity provides sufficient public benefit to provide the requested incentive. Thereafter, the Planning Board is authorized to act on an application for preliminary approval pursuant to Chapter 130, Subdivision of Land, and this chapter.

(7) Following preliminary plan approval and subject to meeting all conditions established in conjunction with the approval of the preliminary plan, including all documentation required by the Town Attorney and Town Board on the amenity, the applicant may submit a final plan for review and approval.

(8) Upon final plan approval, the Town Clerk shall affix a reference to the Official Zoning Map that this site was developed under the town's incentive zoning provisions and include a reference to the date such action was taken.

F. Cash payment in lieu of amenity. If the Town Board finds that an on-site amenity is not suitable or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the Town Board exclusively for specific amenities to be described prior to the acceptance of funds. Cash payments shall be made prior to the issuance of a building permit. Cash payments in lieu of amenities are not to be used to pay general and ordinary town expenses.