

**ARTICLE 7. SITE PLAN REVIEW.**

7.01 Purpose.

This section of the Village of Margaretville Zoning Law is enacted under the authority of Article 7 of the Village Law of the State of New York to protect the health, safety, convenience and general welfare of the inhabitants of the Village. This Article regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- (a) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- (b) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- (c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- (d) The protection of historic and natural environmental features on the site under review, and in adjacent areas.

7.02 Projects Requiring Site Plan Review.

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board. Site Plan Review shall also be required for the resumption of any use discontinued for more than one year, or for the expansion of any existing use. "Expansion" shall include a floorspace increase of two-hundred (200) square feet or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Those proposals requiring Site Plan Review are listed on Schedule A.

"Change of Use", as defined by the Village Zoning Law shall not require site plan review unless the proposed use will result in an increase in intensity on the site. (Local Law 6 of 2005)

7.03 Exemptions from Site Plan Review.

Site Plan Review shall not be required for:

- (a) The construction or enlargement of any single family or two-family dwelling, or building accessory to such dwelling;
- (b) The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;
- (c) Construction or alteration providing for not more than two hundred (200) square feet total floor area after construction;
- (d) Customary home occupations as defined in Article 10 (Definitions).

7.04 Procedure.

- 7.04-1 Prior to the submission of a formal site plan, a presubmission conference may be held wherein the applicant shall meet in person with the Code Enforcement Officer to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Village's requirements in matters relating to the development of the site.
- 7.04-2 Within six (6) months following the presubmission conference, five (5) copies of the site plan and any related information shall be submitted to the Code Enforcement Officer accompanied by a fee in accordance with the schedule of fees of the Village of Margaretville, payable to the Village Clerk. If the application is not submitted within this six (6) month period, another presubmission conference may be required.
- 7.04-3 The Code Enforcement Officer shall certify on each site plan application or amendment whether or not the application is complete in accordance with Section 7.06 (Submission Requirements) and whether the plan meets the requirements of all Zoning Law provisions other than those of this Article regarding site plan review. If the Code Enforcement Officer determines that any provisions of Section 7.06 do not apply to an application, he/she may waive any such requirements and supply the Planning Board with a written explanation of each omission. The Code Enforcement Officer shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant. (Local Law 6 of 2005)
- 7.04-4 Following certification of a complete application, the Code Enforcement Officer shall, within the next thirty (30) days, review and evaluate the application in accordance with the required standards of Section 7.07 (Standards for Review). Upon completion of review, the Code Enforcement Officer shall meet with the applicant and discuss the application and conditions that could assist the applicant in meeting the standards of Section 7.07. Within ten (10) days thereafter, the Code Enforcement Officer shall make a

recommendation on the application to the Planning Board no later than ten (10) days prior to their next meeting.

An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted to the Code Enforcement Officer prior to the submission of the Code Enforcement Officer's recommendation to the Village Planning Board to insure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), hereinafter referred to as SEQR, to identify the potential environmental, social, and economic impacts of the project. (Local Law 6 of 2005)

7.04-5 Public Hearing.

The Planning Board shall hold a Public Hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of a complete application by the Code Enforcement Officer. Notice of said hearing shall be published in the official Village newspaper at least ten (10) days prior to the hearing. In addition to the published notice of hearing, the applicant shall give written notice by certified mail, to all property owners of the land immediately adjacent to, extending one-hundred (100) feet there from, and directly opposite thereto, extending one-hundred (100) feet from the street frontage of the land in said application not less than ten (10) days in advance of the hearing. (Local Law 6 of 2005).

7.04-6 Action.

The Planning Board shall make a determination of significance of the proposed site plan according to SEQR.

The Planning Board shall, with consideration given to the recommendations and proposed conditions of the Code Enforcement Officer, approve or approve with conditions or disapprove the application within thirty (30) days of the conclusion of the SEQR process and required referrals (Section 7.04-7). Failure to act within such thirty (30) days of the SEQR process and required approvals shall be deemed approval. Should the Planning Board need an additional thirty (30) days to consider the application, then they may do so by an agreement with the applicant. Said agreement shall be recorded in the minutes.

7.04-7 Referrals.

Whenever any Site Plan involves real property in an area as described in Section 239-m of the General Municipal Law, said Special Use Permit shall be referred to the County Planning Board, which Board shall report its recommendations to the Village Planning Board.

Failure of the County Planning Board to report within thirty (30) days may be construed to be approval.

The concurring vote of a majority plus one of the Village Planning Board shall be necessary to override a County Planning recommendation of approval with modifications or disapproval.

Within seven (7) days after final action by the Village Planning Board on the recommendations, modifications or disapproval of a referred matter, the Board shall file a report of the final action with the County Planning Board.

7.04-8 Review of amendments to an approved site plan shall be acted upon in the same manner as the review of the original site plan.

7.05 Enforcement.

7.05-1 The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

7.05-2 Any Site Plan Approval issued under this Article shall lapse within one year if a substantial use thereof has not commenced, such time may be extended by the Village Planning Board in its sole discretion for an additional period(s) not to exceed one (1) year in total upon written application by the applicant stating the reason(s) for the delay. (Local Law 6 of 2005)

7.05-3 The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this Article, by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing.

7.06 Submission Requirements.

7.06-1 The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, unless specifically waived by the Code Enforcement Officer during the original application certification. Notations explaining the reasons for any omissions shall accompany the application materials. If upon review by the Planning Board, it is determined that a submission requirement previously waived is integral to the review, the Planning Board may require additional information from the applicant. (Local Law 6 of 2005)

7.06-2 Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one (1) inch equals fifty (50) feet, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.

7.06-3 Items required for submission include:

- (a) Name of the project, boundaries, and location maps showing site's location in the Village, date, north arrow and scale of the plan.
- (b) Name and address of the owner of record, developer, and seal of the engineer, surveyor or landscape architect.
- (c) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
- (d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
- (e) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
- (f) The location of all present and proposed public and private ways, parking area, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
- (g) The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties and streets must also be shown.
- (h) The location, height, size, materials, and design of all proposed signage.
- (i) The location of all present and proposed utility systems including:
  - (1) sewage or septic system;
  - (2) water supply system;
  - (3) telephone, cable and electrical systems; and
  - (4) storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.

The Planning Board may also request soil logs, percolation tests and storm water run-off calculations for large developments or developments in environmentally-sensitive areas.

- (j) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- (k) Existing and proposed topography at a two (2) foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood-plain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty (50) feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (l) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material, and erosion control measures. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
- (m) Zoning district and municipal boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan.
- (n) Traffic flow patterns within the site, entrances and exits, loading and unloading area, and curb cuts on the site and within one hundred (100) feet of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- (1) the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level;
- (2) the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- (3) the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

- (o) For new construction or alterations to any existing building, a table containing the following information must be included:
  - (1) area of building to be used for a particular use such as retail operation, office, storage, etc.;
  - (2) maximum number of employees;
  - (3) maximum seating capacity, where applicable; and
  - (4) number of parking spaces existing and required for the intended use.
- (p) Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

7.07 Standard for Review.

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

7.07-1 Legal.

Conformance with the provisions of the Local Laws of the Village, the Village Law of New York, and all applicable laws, rules and regulations of state and federal agencies.

7.07-2 Traffic.

Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

7.07-3 Parking.

Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

7.07-4 Village Services.

Reasonable demands placed on Village services and infrastructure.

7.07-5 Pollution Control.

Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

7.07-6 Nuisances.

Protection of abutting properties and Village amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

7.07-7 Existing Vegetation.

Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7.07-8 Amenities.

The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

7.07-9 Village Character.

The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding village scape and the natural landscape.