

Local Law Filing

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County
City
Town of STAMFORD
Village

Local Law No. 1 of the year 19 96.

A local law REVISION OF SITE PLAN REVIEW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City
Town of STAMFORD as follows:
Village

See the attached:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF STAMFORD SITE PLAN REVIEW LOCAL LAW

ARTICLE A. INTRODUCTORY PROVISIONS

1. Enactment

The Town board of the Town of Stamford, Delaware County, New York, does hereby ordain and enact the Town of Stamford Site Plan Review Law pursuant of the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-A of the Town Law.

2. Title

This local law shall be known as the "Town of Stamford Site Plan Review Local Law".

3. Intent and Purpose

Through site plan review, it is the intent of this local law to promote the health, safety, and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. This site plan local law is NOT a tool to address whether a use should be allowed.

It is further the intent of this local law to ensure that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire / police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and guarding neighboring properties against intrusive development impacts.

4. Authority to Review Site Plans

The Town Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the town in accordance with the standards and procedures set forth in this local law. The Town Board will herein be referred to as the Board.

ARTICLE B. APPLICABILITY

1. Uses Requiring Site Plan Approval

All land use activities within the town shall require site plan review and approval before being undertaken, except those specifically exempted in Article B, Section 2.

2. While not all inclusive, the following uses shall require site plan approval:

- a. All new construction or replacement of commercial, industrial, or multi-family uses, where the proposed project has direct frontage on a State, County or Town highway, regardless if access to the lot may be from another road.
- b. Mobile home parks, home occupations, retail establishments, professional offices, shopping centers, mini-malls, warehouses; and multi-family residential, industrial, commercial, and institutional uses on any road right-of-way.
- c. The construction of exterior alterations or additions of non-residential structures.
- d. Land uses or actions that will create objectionable, noxious or offensive odors including, but not limited to: landfills, commercial composting operations and manure pits located along a state or county road.
- e. Land uses or actions that will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

2. Exempted Uses

The following land use activities are EXEMPTED from the requirements of this law:

- a. Construction of one or two family dwellings, ordinary accessory structures, and related land use activities.
- b. Ordinary repair or maintenance of existing structures or uses.
- c. Agricultural buildings and land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d. Ordinary agricultural, non-commercial recreational and forest wildlife management practices.
- e. Incidental landscaping or grading or building of a pond.
- f. Exterior alterations or additions 1) to an existing residential structure which do not change its nature or use, and 2) to any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than twenty-five (25%) within any five (5) year period.
- g. Interior alterations that do not change the nature or use of a commercial or industrial structure.
- h. Alterations to home occupations that do not increase the gross floor area by more than thirty percent (30%).
- i. Individual mobile homes.

3. Existing Uses and Structures

This law does not apply to uses and structures that are lawfully in existence or presently under construction as of the date this local law becomes effective. Any use that would otherwise be subject to this law, and has been discontinued for a period of one year or more, shall be subject to review under this law before such use is resumed.

4. Uncertain Applicability

Any person uncertain whether the law applies to a land use activity may apply in writing to the Board for a written response.

ARTICLE C. PROCEDURES

1. General

Any person, before undertaking any new land use activity at any location within the town for which this law requires a site plan, shall submit a site plan together with appropriate supporting data to the Town Clerk.

2. Sketch Plan

The applicant is strongly encouraged to meet with the Board prior to submission of a site plan application. This informal meeting is suggested to prevent unnecessary expenses to the applicant. The applicant should provide a representative plan and a U.S.G.S. topographic map showing the location of the building site and its relationship to the surrounding area. The Board will review the sketch plan and list all necessary information needed by the applicant to complete the site plan approval.

Each application for site plan shall be submitted to the Town Clerk ten (10) days prior to the Board's regular scheduled meeting. Application shall include the application, signed by the current owner or representative thereof; three (3) copies of the site plan with information as outlined in Article 3, Section 3; a Short Environmental Assessment Form (EAF) and the appropriate fee.

Applicants may disperse with the informal meeting and present the Town Clerk with a final site plan. The final site plan must be submitted at least ten (10) days prior to the Board's regular scheduled meeting.

3. Site Plan Submission Requirements

All site plans shall be prepared by a registered architect, licensed land surveyor or professional engineer duly licensed by the State of New York, unless this requirement is waived by the Board because of the simplicity of the proposal. Site plans should be prepared on a standard 24" by 36" sheet, unless project size warrants less and shall be prepared at a sufficient scale to show:

- a. Title of site plan, including name and address of applicant and owner and person responsible for preparing such drawing;

- b. North arrow, scale and date;
- c. Boundaries of property plotted to scale;
- d. Location, size and existing use of buildings on premises;
- e. Location and ownership identification of all adjacent lands as shown on the latest tax record;
- f. Location, name, and width of existing adjacent roads;
- g. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
- h. Grading and drainage plan, showing existing and proposed contours and water courses;
- i. Location, type of construction and exterior dimensions of all buildings;
- j. Identification of the amount of gross floor area proposed for retail sales services, offices, and other commercial or industrial facilities;
- k. Location, type of construction, and area of all parking and truck loading areas, showing access and egress;
- l. Provision for pedestrian access, including public and private sidewalks, if applicable;
- m. Location of outdoor storage, if any;
- n. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- o. Description of the method of sewage disposal and the location of such facilities;
- p. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required;
- q. Location, design and construction materials of all energy generation and distribution facilities, including electrical, gas, and solar energy;
- r. Location, size, design and type of construction of all proposed permanent signs;
- s. Location and development of all proposed buffered areas, including indication of existing and proposed vegetative cover;
- t. Location and design of existing and proposed outdoor lighting facilities;
- u. General landscaping and planting schedule;

- v. Record of applications and approval status of all necessary permits from federal, state, county and local offices;
- w. Estimated project construction schedule;
- x. Other elements integral to the proposed development as may be specified by the Board at the sketch plan conference.

4. Additional Requirements

In addition to the above, the board may request the applicant to submit additional information to aid in rendering a decision. Additional information may include, but is not limited to:

- a. Traffic study to show impact of project on existing traffic patterns.
- b. On-site testing for water quantity and / or quality.
- c. Study to review the potential for air pollution when a use is identified as releasing possible pollutants.
- d. Study to indicate project's impact on ground water and adjacent water courses, in regard to increased water runoff, increased use of a lake, release of effluent into a nearby stream.
- e. Project's impact on existing public services such as: ambulance service, fire service, hospitals, utilities, and schools.
- f. Long Form Environmental Assessment Form.

5. Less Intensive Review

The Board may elect to conduct a less intensive review for minor types of projects that have little or no adverse impacts on neighboring properties and uses. Certain requirements of Article C, Section 3 & 4, above for such proposed uses may be waived where warranted. The Board must state its grounds for waiving certain submission requirements in writing and file such statement along with the site plan application and supporting documents.

6. Specifications of Materials Submitted

a. Site Map:

This shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may effect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc. NOTE: Contour intervals of one or two (2) feet may be appropriate for maps of specific site features such as grading and drainage plans, parking areas, and building locations.

b. **Development Plan:**

This is a detailed plan for the proposed development, drawn to a scale of one hundred (100) feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls and fencing; provides a description and shows the location of sewage and water facilities; shows the location of all signs, the location of proposed buffer areas, the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.

c. **Elevation and / or Section:**

Elevations and / or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan, may be required by the Board. The elevations and / or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.

d. **Engineering Plans:**

The Board may require, as appropriate and within reason, engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utilities systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Board with an estimate of the total cost of site improvements confirmed by the Building Inspector or Town Engineer.

7. **Acceptance of Site Plan Application**

The Board shall accept the application and begin the review process. If the application is inadequate or lacking information outlined in Article C, Section 3, 6, or 10, then the Board may, in writing, request further information from the applicant. The time period in which the Board must make a recommendation may be extended by written consent of the applicant and the Town Board.

8. **Segmentation**

The site plan and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Board shall consider applications incomplete where there is a reason to believe the application applies only to a segment of the total planned development. In such situations, the Board shall return such application to the applicant together with a letter stating the basis for its determination.

9. **Referrals to Other Agencies and Boards**

a. **Coordinated Review**

The Board may refer the site plan for review and comment to local, and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to, the Soil Conservation Service, the New York State

Department of Transportation, the State department of Environmental Conservation, and the state or county Department of Health, whichever has jurisdiction.

b. Required Referral

Prior to final action on the site plan, and where applicable, the Board shall refer the plan to the Delaware County Planning Board for their review and approval pursuant to Section 239-m of the General Municipal Law. If the application requires a public hearing and 239-m review by the County Planning Board, then the Board shall mail a notice of the public hearing to the County Planning Board at least ten (10) days in advance of the public hearing.

10. SEQR Compliance

After the site plan has been accepted as complete, the applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval.

The board shall classify the application according to the NYS SEQRA, and review the Environmental Assessment Form and decide:

- a. If additional information is needed to render a determination of significance. The Board will specify exactly what the applicant needs to supply. OR
- b. If the information is provided and project is identified as having small to moderate impacts with little significance, then a negative declaration can be given. OR
- c. If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full EIS will be provided.

11. Public Hearing on Site Plan

The Board may hold a public hearing within 62 days of receipt of the accepted site plan application. The board shall mail notice of the public hearing to the applicant at least ten (10) days before the public hearing and shall advertise the public hearing in the Town's official paper at least five (5) days prior to the date of the hearing. If the application requires a public hearing and 239-m review by the County Planning Board, then the Board shall mail a notice of the public hearing to the County Planning Board ten (10) days prior to the public hearing.

12. Board Action on Site Plan

The Board shall make a decision on the application within sixty-two (62) days after the public hearing. If no public hearing is held, a decision on the application shall be made within 62 days of the application. The time within which the Board must render a decision may be extended by mutual consent of the applicant and the Board. The Board shall render its decision to either approve, approve with modifications, or disapprove the site plan. The decision of the Board shall be filed in the office of the town clerk immediately and a copy mailed to the applicant.

- a. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Board shall endorse its approval on a copy of

the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail. A copy of the written statement of approval shall also be sent to the building inspector.

- b. Approval with Modifications. The Board may approve the site plan and require that specific modifications be made. A copy of the written statement of approval containing the modifications required by the Board shall be mailed to the applicant by certified mail. Upon approval, and after payment by the applicant of all fees and reimbursable costs due to the town, the Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with modifications with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail. A copy of the written statement of approval with modifications shall also be sent to the building inspector.
- c. Disapproval. Upon disapproval of the site plan, the decision of the Board shall immediately be filed with Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Board's reasons for disapproval. A copy of the written statement of disapproval shall also be sent to the building inspector.

13. Extension of Time to Render Decision

The time period in which the Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Board. Failure of the Board to act within the time period specified or agreed upon between the applicant and Board, shall constitute Board approval of the site plan as submitted or last amended.

ARTICLE D. DESIGN STANDARDS

1. General Objectives

Sites to be developed shall be of such character that they can be used safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. The proposed development shall be visually compatible with the character of the community to the extent feasible. Vegetative screening shall separate commercial and industrial and other non-residential uses from residential properties.

Site development shall comply with the following objectives:

- a. Adequate and safe vehicular circulation between site and street network.
- b. Safe and adequate interior site circulation, parking and loading facilities.
- c. Sites should be accessible year-round with particular attention to access for emergency vehicles.
- d. Environmentally sensitive areas shall be protected and left undisturbed.
- e. Adequacy of storm water and drainage facilities.

- f. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and setbacks, method of construction and restrictions on outside activities.
- g. Consideration of aesthetics in the project design and compatibility of signs with neighboring uses.
- h. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors, or noxious and offensive uses; appropriate hours of operation.
- i. Absence of dangerous or hazardous activities.

2. Lot Development Criteria

An application for site plan approval shall not be approved unless the proposed use meets the following minimum lot development standards:

a. General

Sites shall be able to adequately accommodate on-site waste treatment and water facilities unless central sewer and water service is provided.

b. Environmental Considerations

In general, sites to be developed shall avoid areas where the following conditions are present:

1. slopes greater than fifteen percent (15%)
2. areas of high ground water (seasonal or permanent)
3. soils with excessively slow or fast percolation (refer to soil survey reports available from the Soil Conservation Service)
4. flood hazard areas
5. state regulated freshwater wetlands
6. fringes of waterbeds or watercourses.

c. Access Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary curb-cut permits from the jurisdictional permitting authority, e.g. state, county, or town highway departments. In addition, the following access requirements shall apply:

1. Access drives shall be constructed and maintained so as to provide for year round access.
2. In cases where sites have frontage on more than one road, the principal point of access shall be from the more secondary road whenever feasible.
3. There shall be a minimum distance of thirty five (35) feet between proposed and existing driveways on public road.

4. Driveways shall be combined wherever possible to minimize the number of access points onto the public roadways.
5. There shall be a maximum of two (2) driveway entrances per developed lot.
6. No driveway centerline shall intersect a street line less than seventy feet from the intersection of any two roadways.
7. Driveway grade and width shall be such that adequate and safe access is provided for emergency vehicles during all seasons.
8. The minimum maintained width of driveways shall be eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.

ARTICLE E. GUARANTEE OF SITE IMPROVEMENTS

1. General

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

2. Performance Guarantee Options

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and / or any site plan approval modifications, the Board may require that the applicant enter into one of the following agreements with the town.

- a. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans. Such bond shall be 1) Based on an estimate furnished by the applicant, 2) confirmed by the Building Inspector or Town Engineer, and 3) approved by the Board.
- b. Deposit certified check in sufficient amount up to the total cost of such improvements as shown on the site plan.
- c. Provide the town with a letter of credit that is of sufficient amount to cover up to one hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

3. Conditions

- a. The performance guarantee shall be to the town and shall provide that the applicant, his / her heirs, successors, assigns, or his / her agent will comply with all applicable terms, conditions, provisions and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.

- b. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
- c. Certified checks shall be made payable to "the Town of Stamford" and will be placed in an escrow account established by the town for this purpose.
- d. Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.

4. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the site plan. Road improvements shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Board grant he or she an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

5. Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

6. Inspections

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee of \$ 20.00. Inspections during the installation of improvements shall be made by the Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvement is ready for inspection. Upon acceptable final completion of installation and improvement, the Board shall issue a letter to the applicant or his / her representative that provides sufficient evidence for the release by the town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

7. Phased Development

The Board may further request that the applicant deposit a separate bond or certified deposit for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60)

days following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Building Inspector.

ARTICLE F. ADMINISTRATION / ENFORCEMENT

1. Site Plan Compliance

No permit or certificate of occupancy shall be issued by the Building Inspector, except upon the authorization by and in conformity with an approved site plan where required.

2. Building Inspector

The Board may alternatively appoint some other enforcement officer to conduct inspections and any other enforcement activities required by this local law.

The Town Board may appoint a Building Inspector to carryout the duties assigned by this local law. If appointed, the Building Inspector shall be responsible for the overall inspection of site improvements including coordination with the Board and other officials and agencies, as appropriate.

3. Amendments

The Town Board may, on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

4. Enforcement

- a. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine not of not more than \$ 350.00, or by imprisonment not exceeding twenty (20) days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this local law.
- b. In addition to the penalties provided above, Building Inspector, or Town Board, may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.

5. Appeals

Any person aggrieved by any decision of the Board, Building Inspector, or any other officer, department, or board of the town involved with the administration and enforcement of this local law, may apply to the Supreme Court for a review under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

6. Waivers

The Board may waive, subject to appropriate conditions, the provisions of any or all standards set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards would cause unnecessary hardships for the applicant without achieving public benefit objectives. The Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.

7. Severability

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be ruled invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) as judged invalid, and the rest of this local law shall remain valid and effective.

8. Conflict With Other Laws

This local law in no way affects the provisions or requirements of any federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply.

9. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.