

SITE PLAN REVIEW LAW  
VILLAGE OF TANNERSVILLE

ARTICLE I. TITLE AND PURPOSE

A. TITLE

This Local Law shall be known and may be cited as "The Site Plan Review Law of the Village of Tannersville, New York"

B. ENACTING CLAUSE

The Village Board of the Village of Tannersville hereby adopts and enacts this Local Law:

C. APPLICATION OF REGULATIONS

No multiple unit residential building, commercial building, municipal/governmental building or industrial building as hereinafter defined, shall hereafter be used or occupied and no such building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified.

Prior to the issuance of a building permit for a multiple unit residential building, commercial building, municipal/governmental building or industrial building in the Village of Tannersville, the Building Inspector shall require the preparation of a site plan. The Building Inspector shall refer the site plan to the Planning Board for its review and approval in accordance with the standards and procedures set forth in this Local Law.

A multiple unit family residential building is defined as "a building or group of buildings, whether attached to each other or not, situated on one or more contiguous parcels of land under common fee title ownership, or the ownership of individuals or entities acting pursuant to a common scheme or plan, collectively containing three or more residential dwelling units".

A commercial building is defined as a "building or group of buildings, whether attached to each other or not, situated on one or more contiguous parcels of land and intended for commercial uses including, but not limited to, the following:

1. Retail stores, banks, business offices, personal service establishments, mortuaries, and undertaking establishments.
2. Restaurants, hotels, motels, indoor theaters, and recreation establishments.
3. Kennels, pet shops and veterinary establishments.
4. Indoor automobile sales establishments, including the sale of used cars only if on the same lot and accessory to the sale of new automobiles as the principal and regular business".

A municipal/governmental building is defined as "a building or group of buildings, whether attached to each other or not, situated on one or more contiguous parcels of land and intended for municipal/governmental purposes and uses".

An industrial building is defined as a "building or group of buildings, whether attached to each other or not, situated on one or more contiguous parcels of land, and intended for industrial purposes and uses".

ARTICLE II. SKETCH PLAN

A sketch plan conference shall be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a sketch and written statement describing what is proposed.

A. An area map showing the parcel under consideration for site plan review, and all properties (including owners names), subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.

B. A map of the same area as shown in Section A above showing the site topography at no more than twenty (20) feet contour intervals. If the Planning Board determines that the proposed project will have problems related to the topography of the site, it may require more detailed topographic and soils information.

C. A completed Preliminary Local Assessment Form.

### ARTICLE III. APPLICATION FOR SITE PLAN APPROVAL

An application for site plan approval shall be made in writing to the Building Inspector and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference.

#### A. Site Plan Checklist

1. Name of project, including name and address of applicant, contact person and person responsible for preparation of the site plan.
2. North arrow, scale and date.
3. Boundaries of the property plotted to scale.
4. Existing watercourses.
5. Grading and drainage plan, showing existing and proposed contours.
6. Location, proposed use, and height of all buildings.
7. Location, design, and construction materials of all parking and truck loading areas, showing access and egress.
8. Provisions of pedestrian access.
9. Location of outdoor storage, if any.
10. Location, design, and construction materials of all existing or proposed improvements, including drains, culverts, retaining walls and fences.
11. Description of the method of sewage disposal and location, design and construction materials of such facilities.
12. Description of the method of securing public water and location, design, and construction materials of such facilities.
13. Location of fire and other emergency zones, including the location of fire hydrants.
14. Location, design and construction materials of all energy distribution facilities including electrical, gas and solar energy.
15. Location, size, design and construction materials of all proposed signs.
16. Location and proposed development of all buffer areas, including existing vegetative cover.
17. Location and proposed design of outdoor lighting facilities.

18. Designation of the amount of building area proposed for retail sales of similar commercial activity.

19. General landscaping plan and planting schedule.

20. Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.

21. A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Planning Board.

22. A completed Preliminary Local Assessment Form which reflects any changes as a result of the sketch plan conference.

B. REQUIRED FEE

An application for site plan review and approval shall be accompanied by a fee of \$50.00 per unit.

ARTICLE IV. PLANNING BOARD REVIEW

The Planning Board review shall include, as appropriate, but is not limited to, the following:

1. General Considerations

a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

b. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

c. Location, arrangements, appearance and sufficiency of off-street parking and loading.

d. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

e. Adequacy of storm water and drainage facilities.

f. Adequacy of water supply and sewage disposal facilities.

g. Adequacy, type, and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

h. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space of play areas and informal recreation.

i. Protection of adjacent or neighboring properties against glare, unsightliness, or other objectional features.

j. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.

k. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

2. Consultant Review

The Planning Board may consult with the Building Inspector, Fire Commissioners, Conservation Council, Highway Superintendent or other local and county officials, and its designated private consultants in addition to representatives of federal and state agencies, including, but not limited to, the Soil Conservation Service, the State Department of Transportation, and the State Department of Environmental Conservation. The Planning Board also reserves the right to hire an engineer or other consultant, at the applicant's expense, to review any information filed by the applicant.

### 3. Public Hearing

The Planning Board may conduct a Public Hearing on the site plan. If a Public Hearing is considered desirable by a majority of the members of the Planning Board, such Public Hearing shall be conducted within forty-five (45) days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the Public Hearing.

### ARTICLE V. PLANNING BOARD ACTION

Within forty-five (45) days of the receipt of an application for site plan approval, the Planning Board shall act on it. If no decision is made within said forty-five (45) day period, the site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the site plan is approved or disapproved.

If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned. Upon resubmission of the site plan, the Planning Board shall act on it within forty-five (45) days of the receipt of the revised or redesigned site plan.

All final decisions of the Planning Board upon the disapproval of a site plan, shall be appealable to the Village Board upon the issue whether there was a rational basis to support the decision of the Planning Board. The Village Board shall have the authority, upon a majority of the entire Board, upon a finding that, based upon the record before the Planning Board, there was no rational basis to support the Planning Board's decision, to approve the site plan.

### ARTICLE VI. MISCELLANEOUS POLICIES

#### A. Performance Guarantee

No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Building Inspector or other competent persons.

#### B. Inspection of Improvements

The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with other officials and agencies as appropriate.

#### C. Waiver of Requirements

The Planning Board shall have the right to dispense, in its discretion, with any of the maps, forms or other documents or materials which under the provisions hereof it has the authority to require.

#### D. Land Use Ordinance

The Land Use Ordinance of the Village of Tannersville, effective September 17, 1972, shall be incorporated into this Site Plan Review Law.

E. Set Back Ordinance

The Set Back Ordinance of the Village of Tannersville, effective August 9, 1971, shall be incorporated into this Site Plan Review Law.

F. Review of any Changes

The Planning Board shall have the right to review any and all changes in rental occupancy or when commercial units or vacant units undergo change of status.

SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged of any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

ARTICLE VII EFFECTIVE DATE

This local law shall become effective immediately upon its being filed in the Office of the Secretary of State.