

Local Law #2 of 2007

Site Plan Review Law for the Village of Tannersville
(Revised)

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 in the County of Greene, pursuant to the Municipal Home Rule Law, hereby ordains, enacts, and publishes this law.

C. Application of Regulations

Prior to the issuance of a building permit for any structure, including one or two-family residential dwelling and normal or typical out buildings such as storage sheds, garages, etc., the Building Inspector shall require the preparation of a site plan. A site plan shall also be required for commercial additions to one or two-family residential dwellings and for any action taken by the owner of real property, his agents, representatives, lessees or assignees that would change the use of the property.

Exempted from this law are one or two family residential dwellings (that contain no commercial use) and normal or typical out buildings, such as storage sheds, garages, etc.

Notwithstanding any provisions of this Site Plan Review Law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as the New York State Environmental Quality Review (SEQR) regulations, shall be complied with.

D. Waivers

Where the Village Board finds that, due to the special circumstances of a particular application, the provision of certain required checklist items as contained herein, or improvements, documentation, drawing or plan, is not requisite in the interest of public safety health, safety and general welfare or is inappropriate because of undue economic hardship, inadequacy or lack of connecting facilities to or in proximity to the proposed site plan, it may waive such requirement(s) subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Master Plan, Site Plan Review Law or any other local law or ordinance of the Village of Tannersville.

Article II. Sketch Plan

A sketch plan conference shall be held between the Village 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 a written statement describing what is proposed.

- A. An area map showing the parcel under consideration for site plan review, and all properties (including owner's names), subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.
- B. A topographic or contour map of adequate scale and detail to show site topography.

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 Village 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 and any necessary contact information for such person.
2. Evidence of approval from all applicable agencies (ex. Health Department, Department of Environmental Conservation, etc.).
3. North arrow, scale, and date.
4. Boundaries of the property plotted to scale.
5. Existing watercourses.
6. Grading and drainage plan, showing existing and proposed contours.
7. Location, proposed use, and height of all buildings.
8. Location, design, and construction materials of all parking and truck loading areas, showing access and egress.
9. Provision of pedestrian access.
10. Location of outdoor storage, if any.
11. Location, design, and construction materials of all existing or proposed improvements, including drains, culverts, retaining walls and fences.
12. Description of the method of sewage disposal and location, design, and construction materials of such facilities.
13. Description of the method of securing public water and location, design, and construction materials of such facilities.
14. Location of fire and other emergency zones, including the location of fire hydrants.

15. Location, design, and construction materials of all energy distribution facilities including electrical, gas, and solar energy.
16. Location, size, design, and construction materials of all proposed signs.
17. Location and proposed development of all buffer areas, including existing vegetative cover.
18. Location and proposed design of outdoor lighting facilities.
19. Designation of the amount of building area proposed for retail sales or similar commercial activity.
20. General landscaping plan and planting schedule.
21. Other elements integral to the proposed development as considered necessary by the Village Board, including identification of any state or county permits required for the project's execution.
22. A completed Environmental Assessment For or Draft Environmental Impact Statement, as required by the Village Board under the NYS Environmental Quality Review Act (SEQR).

B. Required Fee

An application for site plan review and approval shall be accompanied by a fee in an amount set by resolution of the Village Board of Trustees as it may deem appropriate from time to time.

Article IV. Village Board Review

The Village Board's 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 stormwater 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 unusable open space for play areas and informal recreation.

- i. Protection of adjacent or neighboring properties against noise, glare, unsightliness, or other objectionable 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 Village Board may consult with the Building Inspector, Fire Commissioners, Conservation Counsel, 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 Village 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 including that filed under the SEQR process.

Further, the applicant shall be required to establish an escrow account to reimburse the Village of Tannersville for the legitimate costs of review associated with the application. The funds may be utilized for the paying of professionals qualified to review the required plans, reports and other technical information submitted in support of an application. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost of the project but in no case shall be less than \$3000.00 or a larger amount estimated by the Village Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Village in such reviews shall provide an estimate of the approximate cost of review services. The Village shall submit an itemized bill to the applicant at least five days prior to any deduction of such amount billed from the escrow account. The Village Board may periodically and at its discretion require the replenishment of the escrow account established hereunder. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within thirty days of the submission and payment of the final bill by the Village and payment in full of all application and approval fees. The Village shall not issue its final approval until all such fees are paid in full.

3. Public Hearing

The Village Board may conduct a public hearing on the site plan within sixty-two (62) days of the receipt of a complete 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. The applicant shall notify all contiguous land owners, owners across the street, and others the Village Board may deem appropriate, of the affected parcel in writing by certified return-receipt mail at

least 10 days in advance of the public hearing and shall provide the Village Board with proof of such mailing at the time of the public hearing.

Article V. Village Board Action

Within sixty-two (62) days of the receipt of an application for site plan approval, the Village Board shall approve, approve with modifications or disapprove such site plan. If no decision is made within said sixty-two (62) day period, the site plan 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 Village Board's statement will contain the reasons for such findings. In such a case, the Village Board may recommend further study of the site plan and resubmission to the Village Board after it has been revised or redesigned. Upon resubmission of the site plan, the Village Board shall act on it within sixty-two (62) days of the receipt of the revised or redesigned site plan.

Article VI. Miscellaneous Policies

A. Performance Guarantee

No Certificate of Occupancy or Certificate of Compliance 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 Village 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. The Village Board reserves the right to charge the applicant for the cost of the inspection(s).

C. Expiration of Permit

Construction of all improvements set forth in an approved Site Plan application must be completed within one (1) year of issuance of the approval. The applicant may apply for and receive two (2) successive six (6)-month extensions upon a showing of good cause. Such application must be made no later than thirty (30) days following the one-year anniversary of the approval or the end of any extension thereof. This section shall apply to all current and past Site Plan approvals issued by the Village.

In the event that a permit shall expire hereunder, the applicant must apply for and successfully obtain a new Site Plan Approval, in accordance with the requirements of this local law, prior to the issuance of any building permit(s) in connection with such project.

D. Authority

This Local Law is expressly adopted pursuant to the relevant sections of the New York State Village Law and the New York State Municipal Home Rule Law.

E. Validity

In the event any section or provision of the laws contained herein or as amended hereafter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the laws as a whole or any part thereof other than the part so declared to be invalid.

F. Effective Date

This local law shall be effective immediately upon filing with the Secretary of State.