

Site Plan Review (for incorporation with existing zoning law)

§100-130 Purpose

A. A review of the arrangement, layout, and design of the use of individual lots for other than single-family and two-family residential uses are in the public interest. It is the goal of the Town/Village of XYZ to minimize ecological disturbances, provide a means to separate parking and loading arrangements where necessary, ensure pedestrian safety, and the aesthetic relationship of the proposed structures to the site, and other such elements as may be reasonably be related to the health, safety, and general welfare of the Town/Village.

§100-131 Authority

A. The Planning Board is hereby empowered to grant site plan approval in accordance with the provisions of § 274-a of the New York State Town Law/ § 7-725-a Village Law. The Town/Village Board hereby further empowers the Planning Board to, when reasonable, waive any requirement for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this Article, may be exercised in the event that any such requirements are found not to be requisite in the interest in the public health, safety, or general welfare, or inappropriate to a particular site plan. Those identified applications requiring site plan approval as a prerequisite and all special use permits (which require site plan approval) shall be regulated as set forth in this Article. The application procedures for special use permits are contained in Article XVI of this Chapter.

§100-132 When Required

A. In all zoning districts and parcels within the Tioughnioga LWRP Corridor, site plan approval by the Planning Board shall be required for:

- 1) the construction, modification, or alteration of all buildings in all districts other than one-family or two-family residences or uses accessory thereto;
- 2) all uses of vacant land other than uses customarily accessory to one-family or two-family residences;
- 3) any change in use or intensity of use which will affect the characteristics of the site in terms of parking, loading, access, drainage, utilities or other Town/Village services, landscaping, buffering, architectural features, location of structures, or other elements related to the health, safety, and general welfare of the community.

B. In all cases where any amendment of any such plan is proposed, the applicant must also secure the approval of the amendment by the Planning Board. No building permit may be issued for any building within the purview of this section until an

approved site plan or amendment of any such plan is secured by the applicant and presented to the Board. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used, or the land is developed or used, in conformity with an approved site plan, or an amendment of any such plan.

§100-133 Objectives

A. In reviewing site plans, consideration shall be given to the public health, safety, and welfare; the comfort and convenience of the public in general, of the residents of the proposed development, and of the immediate neighborhood in particular. Appropriate conditions and safeguards as may be required to further the expressed intent of this ordinance and the accomplishments of the following objectives in particular may be prescribed by the Planning Board:

- 1) All proposed traffic access ways are adequate but not excessive in number; adequate in width, grade, alignment, and visibility; and proximity to street corners or other places of assembly; and other similar safety considerations.
- 2) Adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots, loading bays and building services.
- 3) All playground, parking, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site as to enhance the character of the Town/Village and is in character with that generally prevailing in the neighborhood.
- 4) All existing trees over eight (8) inches in diameter, measured at three (3) feet above the base of the trunk, shall be retained to the maximum extent possible.
- 5) All plazas and other paved areas intended for use by pedestrians shall use aesthetic considerations and plant materials so as to prevent the creation of vast expanses of pavement.
- 6) All outdoor lighting is of such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets.
- 7) Building facades are compatible with surrounding area.

- 8) The drainage system and layout proposal will afford an adequate solution to on-site and off-site drainage problems.
- 9) Plans for internal water and sewer systems are adequate and that connections to Town/Village systems are in accordance with Town/Village standards.
- 10) The site plan is in conformance with such portions of the Comprehensive Plan of the Town/Village that may be in existence, and with the Tioughnioga Local Waterfront Revitalization Program.
- 11) Appropriateness and quality of design in the exterior appearance of buildings or land developments.
- 12) Avoidance of repetitive or near identical facades or structures and/or structures arranged without respect to natural features.
- 13) Compatibility with historically and architecturally significant structures identified in the Town/Village of XYZ.

B. In reviewing site plans for lots adjacent to an Interstate highway, consideration shall be given to the public health, safety, and welfare. Appropriate conditions and safeguards as may be required to further the expressed intent of this ordinance and the accomplishments of the following objectives in particular may be prescribed by the Planning Board:

- 1) To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation, and improvement of water quality, while at the same time aiding in noise, glare and heat abatement.
- 2) To provide visual buffering between land uses of differing character by placing screening vegetation.
- 3) To enhance the beauty of the Town/Village by expanding and strengthening the forest and providing a diversity of vegetation within the Town/Village.
- 4) To protect the character and stability of residential, business, institutional, and industrial areas.
- 5) To preserve the value of land and buildings by protecting and enhancing the aesthetic character of the community.
- 6) To conserve energy by providing wind breaks, shade and temperature moderation.

- 7) To retard the spread of noxious weeds by encouraging a vigorous desirable plant community within the Town/Village.

§100-134 Procedure

- 1) Prior to the submission of a formal site plan, an optional presubmission conference may be held with the Planning Board to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town/Village's requirements in matters relating to the development of the site. The applicant shall submit a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features of the proposed development. At this time, the Planning Board may indicate those items that can be waived.
- 2) Within six (6) months following the optional presubmission conference, seven copies of the site plan and any related information shall be submitted to the Town/Village Clerks Office, accompanied by a fee in accordance with the schedule of fees of the Town/Village of XYZ, payable to the Town/Village Clerk. If not submitted within this six (6) month period, another presubmission conference may be necessary.
- 3) The applicant shall also complete and submit Part I of the appropriate State Environmental Quality Review Act form for the purposes of an environmental review. The Long Environmental Assessment Form (Long EAF) is required for Type I actions under the SEQRA.
- 4) The Code Enforcement Officer or Chair of the Planning Board shall verify for each site plan or amendment whether or not the application is complete in accordance with Section 100-135 and whether the plan meets the requirements of all zoning ordinance provisions other than those of this article regarding site plan review. The Code Enforcement Officer or Chair of the Planning Board 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.
- 5) The Planning Board shall act to approve, approve with conditions, or disapprove the application within 62 days of submission of the completed application, except when the Planning Board decides to hold a public hearing on the application. If the Planning Board requires a public hearing, such hearing shall be held within 62 days of receipt of completed application, and a decision shall be rendered within 62 days after the close of the public hearing.

- 6) The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town/Village of XYZ.
- 7) Improvements and Performance Bond
 - a) Following approval of the site plan by the Planning Board, the applicant shall file with the Town/Village Clerk a performance bond to cover the full cost of any required improvements in an amount set by the Planning Board upon advice of the Consultant to the Planning Board or Town/Village Engineer. If the value of improvements is less than \$25,000, unless the Planning Board determines that improvements of lesser costs are important to the health and welfare of the Town/Village or the immediate area, the Planning Board may waive the bonding requirements.
 - b) Said bond shall be in a form satisfactory to the Municipal Attorney of the Town/Village of XYZ and may be in cash or in the form of surety company bonds and, if a surety company bond, shall be in the amount of 100% of the estimated cost or, if a cash bond, 50% of the estimated cost, as certified by the Consultant to the Planning Board or Town/Village Engineer, of proposed screening and landscaping, including planting and maintenance thereof for a minimum of one year and a maximum of three years at the discretion of the Planning Board, stormwater drainage systems, public and private streets and drives, water and sanitary sewer systems, outdoor lighting and off-street parking areas, loading areas, means of vehicular access and egress to and from the site onto public streets and recreation areas, including playgrounds and garbage collection stations and fire alarm systems (if any).
 - c) Said bond shall be conditioned upon the property owner's or developer's completing said work enumerated herein and set forth on the approved site plan in a manner satisfactory to the Town/Village Engineer or other enforcement agent or officer of the Town/Village of XYZ and upon the proper functioning of said systems for a period of one year from their completion. In default thereof, said bond or deposit shall be forfeited, and the Town/Village shall use the amount thereof to complete any incomplete portion of said work or to make repairs as are necessary to assure proper functioning of said improvements; provided, however, if any amount of money remains after the Town/Village has completed said work, such excess money will be returned to the surety or the person putting up the required deposit.

- d) Said surety bond or cash deposit may be reduced by resolution of the Planning Board upon the certification of the Consultant to the Planning Board or Town/Village Engineer that one or more particular items required by the Planning Board have been satisfactorily completed. If a fifty-percent cash bond has been posted, such reduction shall be in the ratio that the completed item or items bear to the total estimated costs of the required improvements. The installation of all improvements shall be under the direct supervision of a registered architect or professional engineer.
- 8) Time Limit on Validity of Approval: Approval of a site plan by the Planning Board shall be valid for a period of six (6) months from the date thereof for the purposes of obtaining a building permit. Failure to secure a building permit during the period shall cause the site plan to become null and void. An additional six-month extension period may be granted by the Planning Board.

§100-135 Site Plan Elements

A. The applicant shall cause a scaled site plan map to be prepared by an architect, landscape architect, civil engineer, surveyor, land planner, or other equally licensed professional. The site plan shall include the elements listed herein which are appropriate to the proposed development or uses as indicated by the Planning Board in the presubmission conference. This information, in total, shall constitute the site plan.

- 1) *Legal Data*
 - a) Name and address of the owner of record.
 - b) Name and address of person, firm, or organization preparing the map.
 - c) Date, north arrow, and written and graphic scale.
- 2) *Natural Features* (When applicable)
 - a) Existing contours with intervals of five (5) feet or less.
 - b) Approximate boundaries of any areas subject to flooding or storm water overflows.
 - c) Location of existing watercourses, marshes, wooded areas, rock outcrops, isolated trees with a diameter of either eight (8) inches or more, measured three (3) feet above the base of the trunk, and any other significant natural features.

3) *Existing Structures and Utilities*

- a) Outlines of all structures and location of all uses not requiring structures.
- b) Paved areas, sidewalks, and vehicular access between the site and public streets.
- c) Locations, dimensions, grades and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.
- d) Other existing development, including fences, landscaping, and screening.
- e) Sufficient description or information to define precisely the boundaries of the property.
- f) The locations and owners of all adjoining lands as shown on the latest tax records.
- g) The locations, names, and existing widths of adjacent streets and curb lines.
- h) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within or adjacent to the property.
- i) A complete outline of existing deed restrictions or covenants applying to the property.
- j) Existing zoning.

4) *Proposed Development*

- a) The location of proposed buildings or structural improvements. Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways, using materials harmonious with the building.
- b) Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another. The pattern of placement, proportions and materials of windows and doors shall be considered. Metal or plastic frame windows are generally unacceptable unless they are anodized or painted. Shutters should be sized to match windows.

- c) Whenever possible, the use of natural materials is preferred.
- d) The location and design of all uses not requiring structures, such as off-street parking and loading areas.
- e) The location, direction, power, and time of use for any proposed outdoor lighting or public address systems. Exterior lighting shall be considered as part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design.
- f) The location and plans for any outdoor signs, which must be in accordance with applicable sign regulations. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and the surroundings. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- g) The location, arrangement, and materials of proposed means of access and egress, including sidewalks, driveways, or other paved areas. Profiles indicating grading and cross sections showing width of roadway, location and width of sidewalks, and location and size of water and sewer lines. Proposed direct pedestrian connection to public parking lots or structures will also be shown.
- h) Proposed screening and other landscaping including a planting plan. Where fences are to be used, wood, stone, iron or plant materials are preferred.
- i) The location and connection to Town/Village facilities of all proposed water lines, valves, and hydrants and all drainage and sewer lines or alternate means of water supply and sewage disposal and treatment facilities.
- j) An outline of any proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to a public agency.
- k) Any contemplated public improvements on or adjoining the property.
- l) Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.
- m) Elevations of all proposed principal or accessory structures.

- n) If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.
- o) Any other information deemed by the Planning Board to be necessary to determine conformity of the site plan with the spirit and intent of this ordinance.

§100-136 Planning Board Consideration for Site Plan Approval

A) General considerations

- 1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- 2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- 3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- 4) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- 5) Adequacy of stormwater and drainage facilities.
- 6) Adequacy of water supply and sewage disposal facilities.
- 7) 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.
- 8) In the case of an apartment complex or other multiple-family dwelling, the adequacy of usable open space for play areas and informal recreation.
- 9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- 10) Adequacy of emergency zones to accommodate emergency vehicles.
- 11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

B. In its review, the Planning Board may consult with the Town/Village Consultant, the emergency services, County Planning Department, and any other Town/Village or County officials, as well as with representatives of federal and state agencies.

C. The Planning Board may require that the exterior design of all structures be made by or under the direction of a registered architect, whose seal shall be affixed to the plans, and to submit landscape plans, together with an estimate of the cost of installing the same.

Illustrative site development plan regulations – separate local law

Town of, _____ - Site Plan Review Law

Article I

Introductory Provisions

Section 1.010 Enactment. The Town Board of the Town of _____, Cortland County, New York, does hereby ordain and enact the Town of _____ Site Plan Review Law pursuant to the authority and provisions of section 10 of the Municipal Home Rule Law and section 274-a of the Town Law.

1.020 Short title. This local law shall be known as the "Town of _____ Site Plan Review Law." The Town of _____ is hereinafter referred to as the "town."

1.030 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.

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, by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

1.040 Authorization of Planning Board to review site plans. The Planning Board is hereby authorized to review and approve or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

Article 11

Applicability and definitions

Section 2.010 Applicability of review requirements. All new land use activities within the LWRP Corridor

shall require site plan review and approval before being undertaken, except the following:

1. Construction of one- or two-family dwelling and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25%; and having a cost value of less than \$5,000.
5. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
6. Signs under 10 square feet.
7. The sale of agricultural produce and temporary structures related to sale of agricultural produce.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the planning board for a written jurisdictional determination.

2.020 Effect on existing uses. This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law, that has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law.

2.030 Relationship of this law to other laws and regulations. This local law in no way affects the provisions or requirements of any other 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.

2.040 Definitions.

"Family" means a person or persons related to each

other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

"Land use activity" means any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

"One family dwelling" means a complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

"Shoreline" means the mean high water mark of any lake, pond, river, or permanent stream.

"Structure" means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

"Structure, accessory" means any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

"Two family dwelling" means two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

Article III **Site plan review**

Section 3.010 Procedures - Generally. Prior to undertaking any new land use activity except for a one- or two-family dwelling and other uses specifically excepted in section 2.010 of this local law, a site plan approval by the planning board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as

hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

3.020 Sketch plan. A sketch plan conference shall be held between the planning board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the planning board of his proposal prior to the preparation of a detailed site plan; and for the planning board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
3. A topographic or contour map of adequate scale and detail to show site topography.

3.030 Application requirements. An application for site plan approval shall be made in writing to the chairman of the planning board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference.

Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of the property plotted to scale;
4. Existing buildings;
5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock,

soil characteristics, and watercourses;

6. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
7. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
8. Provision for pedestrian access;
9. Location of outdoor storage, if any;
10. Location, design and construction materials of all existing or proposed site 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 and design and type of construction of all proposed signs;
16. Location and proposed development of all buffer areas, including existing vegetative cover;
17. Location and design of outdoor lighting facilities;
18. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
19. General landscaping plan and planting schedule;
20. An estimated project construction schedule;
21. Record of application for and status of all necessary permits from other governmental bodies;
22. Identification of any permits from other governmental bodies required for the project's execution; and
23. Other elements integral to the proposed development as may be considered necessary in the particular case by the planning board.

3.040 Required fee. An application for site plan review shall be accompanied by a fee of \$_____.

3.050 Reimbursable costs. Cost incurred by the planning board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed \$_____.

Article IV Review Standards

Section 4.010 General standards and considerations.

The planning board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage disposal
7. 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.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
10. Overall impact on the neighborhood including compatibility of design consideration.

4.020 Specific standards and considerations. The following specific standards shall apply in conjunction with the subject uses or in the designated areas.

4.021 Shoreline standards and considerations.

1. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.
2. No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet of any shoreline and no septic or other holding tank shall be located within fifty (50) feet of any shoreline, as measured from the normal high water mark of

the waterbody.

3. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system.
4. Any marina, boat service facility or any storage of petroleum products within one hundred (100) feet or reasonable setback as determined necessary by the planning board, of the shoreline shall include adequate provisions for insuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dyke shall be constructed in such manner so as to afford adequate protection.
5. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

4.022 Proximity to Interstate Highway Considerations.

In reviewing site plans for lots adjacent to an Interstate highway, consideration shall be given to the public health, safety, and welfare. Appropriate conditions and safeguards as may be required to further the expressed intent of this ordinance and the accomplishments of the following objectives in particular may be prescribed by the Planning Board:

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation, and improvement of water quality, while at the same time aiding in noise, glare and heat abatement.
2. To provide visual buffering between land uses of differing character by placing screening vegetation.
3. To enhance the beauty of the Town/Village by expanding and strengthening the forest and providing a diversity of vegetation within the Town/Village.
4. To protect the character and stability of residential, business, institutional, and industrial areas.
5. To preserve the value of land and buildings by protecting and enhancing the aesthetic character of the community.
6. To conserve energy by providing wind breaks, shade and temperature moderation.

7. To retard the spread of noxious weeds by encouraging a vigorous desirable plant community within the Town/Village.

Article V

Public hearing and planning board decision

Section 5.010 Public hearing. The planning board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within 62 days of the receipt of application for site plan review and shall be advertised in the town's official newspaper, or if there is none, in a newspaper of general circulation in the town at least five (5) days before the public hearing.

5.020 Planning board decision. Within 62 days of receipt of the application for site plan approval or if a public hearing is held within 62 days of public hearing, the planning board shall render a decision. In its decision the planning board may approve, approve with modifications or disapprove the site plan. The time period in which the planning board must render its decision can be extended by mutual consent of the applicant and the planning board.

1. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall immediately file it 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, return receipt requested.
2. Approval with modifications. The planning board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the planning board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall immediately file it 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, return receipt requested.
3. Disapproval. Upon disapproval of the site plan the decision of the planning board shall immediately be filed with the town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the planning board's reasons for disapproval.

Article VI
Appeal of planning board decision

Section 6.010 Appeal procedure. Any person aggrieved by any decision of the planning board or any officer, department, board or bureau of the town, may apply to the supreme court for a review by a proceeding 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.

Article V11
Miscellaneous provisions

Section 7.010 Enforcement officer. The town board may appoint an enforcement officer to carry out the duties assigned by this local law or by any additional regulations adopted pursuant to section 7.020 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements including coordination with the planning board and other officials and agencies, as appropriate.

7.020 Further regulations by planning board. The planning board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

7.030 Amendments.

1. 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.
2. All proposed amendments originating by petition, or by motion of the town board, shall be referred to the planning board for a report and recommendation thereon. The planning board shall submit its report within thirty (30) days after receiving such referral. Failure of the planning board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

7.040 Integration of procedures. Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the town, the planning board shall attempt to integrate, as appropriate, site plan review as required by this local law with the procedural and submission requirements for such other compliance.

7.050 Enforcement. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250) or by penalty of

two hundred fifty dollars (\$250) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

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