

LOCAL LAW # 1 OF 1988
AMENDED 1989 LOCAL LAW # 3
AMENDED 1997 LOCAL LAW # 1
SITE PLAN REVIEW LAW FOR THE TOWN OF HUNTER

ARTICLE I. TITLE AND PURPOSE

A. TITLE

This Local Law shall be known and may be cited as “The Site Plan Review Local Law of the Town of Hunter, New York”

B. Enacting Clause

The Town Board of the Town of Hunter in the County of Greene, pursuant to Section 274-A of the Town Law, hereby adopts and enacts this Local Law.

C. Application of Regulations

No multiple unit residential building, commercial building, municipal building or industrial building as hereinafter defined, or tract of land used for commercial purposes or public assembly, shall hereafter be used or occupied and no such building or part thereof shall be graded, excavated, paved, erected, moved or altered unless in conformity with the regulations herein specified.

No existing or pre-existing, lot location, or tract of land containing any commercial building, municipal/government building or industrial building, may be altered or changed from its presently existing (non approved site) or approved site or site plan without first obtaining Planning Board approval for such change or alteration, pursuant to these regulations.

Prior to the issuance of a building permit for the construction or alteration of a multiple unit residential building, commercial building, municipal building or industrial building, commercial tract of land or place of public assembly, or the construction of facilities, structures and appurtenances in connection with any such use or occupancy, in the Town of Hunter, 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 standard and procedures set forth in this Local Law.

Where no building permit is required by law, then before the commencement of any work, grading, excavating, digging, demolition, change of the land, buildings, structures or appurtenances of a tract of land, site or site plan which contains a pre-existing or existing, commercial use, place of public assemble, multiple unit residential building, commercial building, municipal/government building or industrial building, the owner or applicant shall prepare a sketch plan containing the proposed alteration to the site and comply with Article II by submitting the

sketch plan and an application for alteration of a site or site plan to the secretary of the Planning Board, for Planning Board approval in accordance with these regulations, and no such work shall begin or commence until such compliance with these regulations and review and approval has been obtained from the Planning Board.

Alteration of a site or site plan is defined as, any change to (a) an approved site plan or (b) any change to the land, lot or tract of land or to any building contained thereon or the construction of any facility, appurtenance or structure, on such site, or any change that would affect or modify

any of the enumerated items contained in Article III hereof subdivision A 1-20 for which no site plan approval had previously been required or sought.

Any commercial use, is defined as, any business activity which is conducted for nonresidential purposes and includes the sale or exchange of goods and services, and includes but is not limited to services and professional services, recreational services, campgrounds, concerts, and events however it does not include a professional home office occupation conducted in the actual residence of the home of the individual conducting the professional home office occupation.

Place of Public Assembly is any site or building wherein the public is invited for a fee, or not for a fee to take part in any activity or service or view any event, but does not include the gathering of individuals at a residence for purely social purposes provided no fee is charged.

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 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 uses and purposes.”

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 uses and purposes.”

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 a 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 or for alteration of a site or site plan shall be made in writing to the Building Inspector, or to the secretary of the Planning Board where no building permit is required by law, and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference. The application for alteration of a site or site plan, with the proposed sketch plan shall be treated and is subject or all provisions of this Law as a site plan review, and the Planning Board and the applicant must comply with any requirements for site plan review as contained in Article III, Article IV, Article V, Article VI, and Article VII of this Law. At the Planning Board's discretion, in the case of minor alterations, it may dispense with or not require full compliance with any provision of this Law that hereinafter follows.

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 or 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'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 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 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 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 Town 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 Town Board upon the issue whether there was a rational basis to support the decision of the Planning Board. The Town Board shall have the authority, upon a majority vote 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 of 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.

ARTICLE VII: VIOLATIONS PENALTIES

(A) Any prosecution for violation of this local law shall be in the Town Court of the Town of Hunter which shall have jurisdiction and the power to issue a summons for any such violation. In addition thereto, any police officer of the Town of Hunter Police Department, the Town of Hunter Building Inspector and or any duly appointed Town of Hunter Code Enforcement Officer, shall be authorized to issue and serve an appearance ticket commencing a prosecution hereunder. The issuance, service and filing of an appearance ticket or summons and the prosecution of such action be governed by the Criminal Procedure Law of the State of New York. Any such Town officer serving an appearance ticket or summons shall also file a copy thereof with the secretary to the Planning Board.

1. Any person, firm, corporation, partnership or other entity that commences construction, alteration, grading or improvement without having obtained Planning Board approval for such construction, alteration, grading or improvement as required by this law shall be guilty of a violation of law and upon conviction thereof shall pay a monetary fine of not less than ten dollars per day nor more than one hundred dollars per day for each day that it is found that such violation has occurred,

2. Any person, firm, corporation, partnership or other entity that fails to comply with any condition on an approved site plan or, after construction has begun, fails to construct any improvement, landscaping, grading or in any way fails to comply with an approved site plan within one year of such approval shall be guilty of a violation of law and upon conviction thereof

shall pay a monetary fine of not less than ten dollars per day nor more than one hundred dollars per day for each day that it is found that such violation has occurred or existed.

(B) Notwithstanding any action taken above, and in addition to such Court action and or contemporaneous with such Court action the Planning Board of the Town of Hunter upon the vote of a majority of those present at a meeting which has a quorum present upon being presented with a copy of a Criminal Summons or Appearance Ticket issued for a violation of this local law, may require that a written notice be mailed to such owner, occupant, person or entity of the premises at their last known address, wherein it is alleged that such violation has occurred and to appear at the next scheduled meeting of the Planning Board, whereupon the Planning Board shall convene and have on its agenda, such site plan or require a site plan to be submitted, and whereupon the Planning Board by majority vote may consider the imposition of a bond to insure the completion of any improvement grading or landscaping that has occurred or is supposed to occur on the site wherein it is alleged a violation has occurred, or impose such other condition as lawfully within present evidence or witness's to establish that no violation has occurred and that no bond or other condition shall be imposed. Such action by the Planning Board shall create no inference that such violation has in fact occurred.

ARTICLE VIII: EXPIRATION OF SITE PLAN APPROVAL

(A) No work of any sort shall be commenced until a building permit is issued, if one is required for any part of the site plan. Any approval of a site plan or alteration of a site plan hereunder for which a building permit is required to complete all or part of such site plan shall expire TWO years from the date such approval is signed by the Chairman of the Planning Board (if no building permit has been issued by the Town of Hunter), unless prior to such expiration the applicant shall have filed a written request for an extension of the site plan with the Planning Board. The Planning Board at a meeting by majority vote shall determine such request for an extension using the following criteria:

(1) It shall grant the request if the applicant has filed an application with another Municipal agency for a permit that is required before a building permit can be issued, and such application has not been granted or denied by the time of the original expiration of the site plan.

(2) It may grant the request if the applicant can establish Good Cause for the extension.

In no event shall any site plan approval be extended in excess of five years from the signing of the approval by the Chairman of the Planning Board.

(B) Any approval of a site plan or alteration of a site plan hereunder for which a building permit is not required by the Town of Hunter shall expire TWO years from the date such approval is signed by the Chairman of the Planning Board unless prior to such expiration the applicant shall have filed a written request for an extension of the site plan with the Planning Board. The Planning Board at a meeting by majority vote shall determine such request for an extension using the following criteria:

(1) It shall grant the request if the applicant has filed an application with another Municipal agency for a permit that is required before a building permit can be issued, and such application has not been granted or denied by a the time of the original expiration of the site plan.

(2) It may grant the request if the applicant can establish Good Cause for the extension.

In no event shall any site plan approval be extended in excess of five years for the signing of the approval by the Chairman of the Planning Board.

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