

Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of .. Halcott
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 89

A local law establishing the Site Plan Review Law of the Town of Halcott
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of .. Halcott as follows:
~~Town~~
~~Village~~

(If additional space is needed, please attach sheets of the same size as this and number each)

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 Town of Halcott, New York."

B. Enacting Clause

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

C. 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 the 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. This review provides an opportunity for the consideration of the following:

1. The present condition of the site.
2. How the proposed development will affect the site.
3. Aspects of the proposed development that can be modified to minimize problems and maximize benefits to the community.

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.

D. Application of Regulations

The regulations specified herein refer to all buildings to be erected which require a building permit, to all trailers permanently located on a site, and any buildings which shall be moved or altered.

Prior to the issuance of a building permit in the Town of Halcott, 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.

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.

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 statement or rough sketch describing what is proposed.

A. Area Map

An area map, which can be copied from tax maps, showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.

B. Topographic Map

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.

ARTICLE III. APPLICATION FOR SITE PLAN APPROVAL

An application for site plan approval shall be made in writing to the Planning Board or 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.

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, proposed structures, and improvements drawn 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 (information on design and construction materials is not required for single family homes.)
8. Location of any outdoor storage.
9. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
10. Description of the method of sewage disposal and location, design and construction materials of such facilities.
11. Description of the method of securing water and location, design and construction materials of such facilities.
12. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
13. Location, size and design and construction materials of all proposed signs.
14. Location and proposed development of all buffer areas, including existing vegetative cover.
15. Location and design of outdoor lighting facilities.

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

17. 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.

ARTICLE IV. PLANNING BOARD REVIEW

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

A. General Considerations

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

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

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

4. Adequacy of stormwater and drainage facilities.

5. Adequacy of water supply and sewage disposal facilities.

6. 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 reasonable retention of existing vegetation.

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

8. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

9. Adequacy of fire lanes and other emergency zones.

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

B. Standards

1. Outside lighting shall be so directed as not to interfere with ongoing traffic visibility.

2. All shrubbery, trees, fences, and walls shall be set back a minimum of 35 feet from the center of the highway.

3. Adequate parking shall be provided. Such parking shall be set back a minimum of 35 feet from the center of the highway.

4. All driveways, regardless of length, shall include culverts of suitable size and ditches on either side to contain runoff.

5. Grade of driveway shall not be greater than 3% within 50 feet of intersection with main highway.

6. All driveways shall access highways at right angles and be approximately situated at right angles to the highway for at least 25 feet. All growth (except isolated trees) and obstructions above the level of 3 feet or higher of center line of highway shall be cleared.

7. Where new driveways are to be constructed, the Building Inspector shall notify the Highway Superintendent and/or Highway Committee prior to issuing a building permit.

C. Consultant Review

The Planning Board may consult with the building inspector, fire commissioners, conservation council, highway superintendent, 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.

D. 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 render a decision. In the event that a public hearing is held, the Planning Board shall render a decision within forty-five (45) days of the public hearing. If no decision is made within said forty-five (45) day period, the site plan shall be considered approved.

A. Approval

Upon approval of the site plan and payment of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall forward such copy to the Building Inspector.

B. Disapproval

Upon disapproval of the site plan, the Planning Board shall so inform the Building Inspector and the Building Inspector shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and the reasons for its disapproval.

ARTICLE VI. CERTIFICATE OF OCCUPANCY

A. Inspection of Improvements and Certification

The Building Inspector shall not issue a Certificate of Occupancy until the Planning Board has certified that all improvements shown on the site plan have been installed. Upon notification of the applicant that all site improvements have been completed, the Planning Board shall inspect the site and issue its determination within a reasonable time which shall not exceed 30 days.

ARTICLE VII. MISCELLANEOUS

A. Integration of Procedures

Whenever the particular circumstances of a proposed development require compliance with the requirements of the Town of Halcott Subdivision Regulations, the Planning Board shall attempt to integrate, as appropriate, site plan review as required herein with

the procedural and submission requirements for such other compliance. In accordance with the Subdivision Regulations of the Town of Halcott, the three (3) acre minimum lot size shall apply except for lots of record in existence prior to the enactment of these regulations.

B. Reimbursable Costs

Costs 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 fifty dollars (\$50.00) per acre or fraction thereof.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 89
~~County~~
~~City~~
of the ~~Town~~ of Halcott was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on ~~December 15~~ 15, 19 89, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the ~~Town~~ of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the ~~Town~~ of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on 19, in accordance with the applicable
annual
provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the ~~Town~~ of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted
on 19, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis.

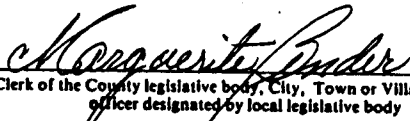
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ^{§36}~~§37~~ of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special}~~general~~ election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.


Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: December 20, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Signature
Town Attorney
.....
Title

Date: December 20, 1989

~~COUNTY~~
~~CITY~~ of Halcott
~~Town~~
~~Village~~