

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a 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.

Town of Lawrence

Local Law No. 2 of the year 2006

A local law Revision to Local Law #1-2001-Lawrence
(Insert Title)

Site Plan and Subdivision Law

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

County
City
Town of Lawrence as follows:
Village

See Annexed 88Pages plus Appendix A,B,c,and D

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Filed

DEC 18 2006

STATE RECORDS
DEPARTMENT OF STATE

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 2 of 2006
of the () () (Town) of Town of Lawrence was duly passed by the
Town Board on Dec. 13 2006, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19____, and was (approved)(not approved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ on _____ 19____. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 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 or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

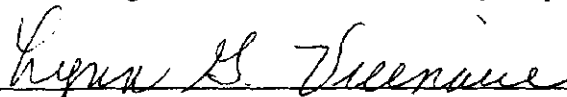
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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

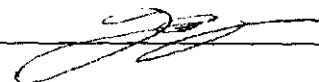
(Seal)

Date: December 14, 2006

(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 ST. LAWRENCE

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 

Title ATTORNEY

County _____
City _____
Town _____ of LAWRENCE, NY
Village _____

Date: Dec 14, 2006

TOWN OF LAWRENCE
ST. LAWRENCE COUNTY, NEW YORK

LAWRENCE SITE PLAN AND SUBDIVISION REVIEW LAW
LOCAL LAW #2-2006 REVISION TO LOCAL LAW #1-2001

TOWN OF LAWRENCE

LAWRENCE SITE PLAN AND SUBDIVISION REVIEW LAW

TABLE OF CONTENTS

PART A

General Provisions

Article I-General Provisions

S 1.1-Purpose and Intent.....	7
S 1.2-Definitions.....	7
S 1.3- Code Enforcements Officer & Inspector	8
S 1.4- Building Permits.....	9
S 1.5-Construction Inspections.....	12
S 1.6-Stop Work Orders.....	13
S 1.7 Certificates of Occupancy/Certificates of Compliance.....	14
S 1.8-Notification Regarding Fire or Explosions.....	15
S 1.9-Unsafe Building and Structures.....	15
S1.10-Operating Permits.....	16
S1.11-Fire Safety and Property Maintenance Inspections.....	17
S1.12-Complaints.....	18
S1.13-Record Keeping.....	18
S1.14-Program Review and Reporting.....	19
S1.15-Violations.....	19
S1.16-Fees.....	21
S1.17-Intermunicipal Agreements.....	21
S1.18-Partial Invalidity.....	21
S1.19-Effective Date.....	21

Article II-General Provisions

S2.1-Enactment.....	22
S2.2-Title.....	22
S2.3-Use of the Term "Town".....	22
S2.4-Intent and Purpose.....	22
S2.5-General applicability.....	22
S2.6-Amendments.....	23
S2.7-Performance Bond or Other Security.....	23
S2.8-Effect on Other Laws and Regulations.....	23
S2.9-Definitions.....	23

PART B
SITE PLAN REVIEW

Article III-Applicability to Site Plans

S3.1-Land Use Activities Requiring Site Plan Review.....	35
S3.2-Land Use Activities Exempt from this Law.....	35
S3.3-Effect on Existing Uses, Buildings, and Structures.....	35
S3.4-Determination of Applicability.....	38
S3.5-Sketch Plan Conference.....	38
S3.6-Actions Based on Sketch Plan Conference.....	38

Article IV-Procedure for Site Plan Review

S4.1-Application Procedure for Site Plan Approval.....	40
S4.2-Site Plan Application Information Requirements.....	40
S4.3-Confirmation of Site Plan Application Filing.....	42
S4.4-Determination of Complete Site Plan Application.....	42
S4.5-Waiver of Certain Information Requirements.....	43
S4.6-Public Hearing.....	43
S4.7-Planning Board Decision.....	44
S4.8-Extension of Time for Final Decision.....	44
S4.9-Appeals Procedure.....	45
S4.10-Amendments to an Approved Site Plan.....	45
S4.11-Transferability of Site Plan Approval.....	45
S4.12-Expiration of Site Plan Approval.....	45

Article V-Site Plan Review Standards

S5.1-General Standards.....	46
S5.2-Specific Standards.....	46
S5.3-Additional Standards for Mobile Home Parks.....	50
S5.4-Additional Standards for Junkyards and Salvage Yards.....	51
S5.5-Additional Standards for Landfills.....	52

PART C
SUBDIVISION REVIEW

Article VI-Applicability to Subdivisions

S6.1-Subdivision Plat Approval Required.....	55
S6.2-Effect on Existing Parcels and Lots.....	55

Article VII-Application for Subdivision Approval

S7.1-General.....	56
S7.2-Preapplication Procedure.....	56
S7.3-Sketch Plan Conference.....	56
S7.4-Filing of Subdivision Application.....	58
S7.5-Subdivision Application Information Requirements.....	58
S7.6-Determination of Complete Subdivision Application.....	59
S7.7-Waiver of Certain Submission Requirements.....	60
S7.8-Referral to County Planning Board.....	60

Article VIII-Application for Subdivision Approval

S8.1-Preliminary Plat Review.....	61
S8.2-Final Plat Review.....	64

Article IX-Action on Final Plat

S9.1-Planning Board Determination.....	66
S9.2-Form of Approval; Recordation.....	69
S9.3-Approval Contingent upon Modifications.....	69
S9.4-Approval Subject to Conditions.....	70
S9.5-Approval of a Plat in Sections.....	71
S9.6-Disapproval of a Plat.....	71
S9.7-Approval by Operation on Law.....	71
S9.8-Extension of Time for Determination on Final Plat.....	71
S9.9-Amendments to an Approved Final Plat.....	71
S9.10-Transferability of Final Plat Approval.....	71
S9.11-Approval by State Department of Health.....	72

Article X-Preparation of Plats

S10.1-All Plats.....	73
S10.2-Preliminary Plats.....	74
S10.3-Final Plats.....	75

Article XI-Subdivision Design Criteria

S11.1-Road Design.....	77
S11.2-Road Construction.....	79
S11.3-Utilities.....	80
S11.4-Lots.....	80
S11.5-Unique Physical and Natural Features.....	81
S11.6-Site Disturbance and Grading.....	81
S11.7-Open Space; Parks; Payments in Lieu, Reservation of Area.....	81
S11.8-Land Unsuitable for Development as a Subdivision.....	81

PART D

ADMINISTRATION AND MISCELLANEOUS

Article XII-Fees

S12.1-Fees.....	82
-----------------	----

Article XIII-Administration

S13.1-Planning Board.....	84
S13.2-Powers and Authorities of Planning Board.....	85
S13.3-Enforcement Officer.....	86
S13.4-Issuance of Building Permit Conditioned.....	86
S13.5-Appeals Procedure.....	86
S13.6-Violations and Enforcement.....	87

Article XIV-Miscellaneous Provisions

S14.1-Effective Date.....	88
S14.2-Severability.....	88
S14.3-Provision of Notice deemed to Have Occurred.....	88
S14.4-Headings for Convenience.....	88
S14.5-Excavation of Soil Following Approval of Site Plan.....	88

APPENDICES

- Appendix A-Application Form for Site Plan Review
- Appendix B-Application Form for Subdivision Plat Review
- Appendix C-Short Environmental Assessment Form
- Appendix D-SEQRA List of Type I and Type II Actions

Section 1.1 PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and building Code (the Uniform Code) and the State Energy Conservation Construction code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

Section 1.2. DEFINITIONS

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provisions of this local law.

“Certificate of Occupancy”-“Certificate of Compliance”-shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer”-shall mean the Code enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel”-shall include the code Enforcement Officer and all Inspectors.

“Compliance Order”-shall mean an order issued by the Code enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

“Energy Code”-shall mean the state Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

“Operating Permit”-shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit”-shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder”-shall mean the Person to whom a Building Permit has been issued.

"Person"-shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order"-shall mean an order issued pursuant to section 6 of this local law.

"Temporary Certificate"-shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

"Town"-shall means the Town of Lawrence.

"Uniform Code"-shall mean the New York State Uniform Fire Prevention and Building code, as currently in effect and as hereafter amended from time to time.

SECTION 1.3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for Building Permits, (Certificates of Occupancy/Certificates of Compliance), Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue Building Permits, (Certificates of Occupancy/Certificates of compliance), Temporary Certificates and Operating Permits, and to include in Building Permits, (Certificates of Occupancy/Certificates of compliance), Temporary Certificates and Operating Permits such terms and conditions as the Code enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of (Certificates of Occupancy/Certificates of Compliance), Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
- (4) To issue Stop Work Orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
- (7) To maintain records;
- (8) To collect fees as set by the Town Board of the Town of Lawrence.
- (9) To pursue administrative enforcement actions and proceedings;

- (10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

The Code Enforcement Officer, shall be appointed, by the Town Supervisor with the approval of the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.

- (b) In the event that the Code Enforcement Officer is unable to serve as such for any

Page 2

reason, an individual, shall be appointed by the Town Supervisor with the approval of the Town Board, to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code enforcement Officer by this local law.

- (c) One or more Inspectors may be appointed by the Town Supervisor, with the approval of the Town Board, to act under the supervision and direction of the Code enforcement Officer and to assist the Code enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated there under.
- (d) The compensation for the Code enforcement Officer and Inspectors shall be fixed, from time to time, by the Town Board of the Town of Lawrence.

SECTION 1.4-BUILDING PERMITS.

- (a) Building Permits Requires. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a building

Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemption. No Building Permit shall be required for work in any of the following categories:

- (1) construction or installation of one story detached structures associated with one-or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
- (2) installation of swings and other playground equipment associated with a one-or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installations of swimming pools associated with a one-or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

Page 3

- (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) construction of temporary motion picture, television and theater stage sets and scenery;
- (7) installation of window awnings supported by an exterior wall of a one-or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) installation of partitions or movable cases less than 5'-9" in height;
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code enforcement Officer. The application shall be signed by the owner of the property

where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the energy Code. The application shall include or be accompanied by the following information and documentation;

- (1) a description of the proposed work;
 - (2) the tax map number and the street address of the premises where the work is to be performed;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted

with an accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building permit, such change shall not be made until and unless a new or amended Building permit reflecting such change is issued.

- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within (6) months following the date of issuance. Building Permits shall expire (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) Fee. The Fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 1.5 CONSTRUCTION INSPECTIONS.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:
 - (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) building systems, including underground and rough-in;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating, appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) a final inspection after all work authorized by the Building Permit has been completed.

- (c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 1.6 STOP WORK ORDERS.

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:
 - (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by (registered mail/certified mail). The Code enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by (registered mail/certified mail); provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 1.7 (CERTIFICATES OF OCCUPANCY/CERTIFICATES OF COMPLIANCE)

- (a) (Certificates of Occupancy/Certificates of Compliance) requires. A (Certificate of Occupancy/Certificate of Compliance) shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a (Certificate of Occupancy/Certificate of Compliance).
- (b) Issuance of (Certificates of Occupancy/Certificates of Compliance). The Code Enforcement Officer shall issue a (Certificate of Occupancy/Certificate of Compliance) if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a (Certificate of Occupancy/Certificate of Compliance). In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the (Certificate of Occupancy/Certificate of Compliance), shall be provided to the Code Enforcement Officer prior to the issuance of the (Certificate of Occupancy/Certificate of Compliance):
 - (1) a written statement of structural observations and/or a final report of special inspections, and
 - (2) flood hazard certifications.
- (c) Contents of (Certificates of Occupancy/Certificates of Compliance. A (Certificate of Occupancy/Certificate of Compliance) shall contain the following information:
 - (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name, address and tax map number of the property;
 - (4) if the (Certificate of Occupancy/Certificate of Compliance) is not applicable to an entire structure, a description of that portion of the

- structure for which the (Certificate of Occupancy/Certificate of compliance) is issues;
- (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is requires;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the (Certificate of Occupancy/Certificate of Compliance) and the date of issuance.
- (d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire-and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a (Certificate of Occupancy/Certificate of Compliance) or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The Fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a (Certificate of Occupancy/Certificate of Compliance) or for Temporary Certificate.

SECTION 1.8 NOTIFICATION REGARDING FIRE OR EXPLOSION The chief of any fire department providing fire fighting services for a property within this Town of Lawrence shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 1.9 UNSAFE BUILDING AND STRUCTURES.

ALTERNATIVE 1; Unsafe structures and equipment in this Town of Lawrence shall be identified and addressed in accordance with the procedures established by Local Law Number 2 of 2006, as now in effect or as hereafter amended from time to time.

ALTERNATIVE 2; Unsafe structures and equipment in this Town of Lawrence shall be identified and addressed in accordance with the following procedures;

SECTION 1.10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1 (1), 2703.1.1 (2), 2703.1.1 (3) or 2703.1.1 (4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
- (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) use of pyrotechnic devices in assembly occupancies;
- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the code enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating

permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the code enforcement Officer, payment of the applicable fee, and approval of such application by the Code enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 1.11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code enforcement office or an inspector designated by the Code enforcement Officer at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures, which contain an area of public assembly, shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) and (2) of this subdivision, shall be performed at least once every (36) months.
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the code Enforcement Officer at any time upon:
 - (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform code or energy code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code enforcement Officer to be reliable,

giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or energy Code exist provided, however, that nothing in this subdivision shall be construed as permitting as inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c)OFPC Inspections. Nothing in this section or in any other provision of this local law shall supercede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d)Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 1.12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, The energy Code, this local law, or any other local law, ordinance, or regulation adopted for administration and enforcement of the Uniform Code or the energy Code. The process for responding to a complaint shall include such of the following steps as the Code enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) or this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 1.13. RECORD KEEPING.

- (a) The code enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, (Certificates of Occupancy/Certificates of Compliance), Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;

- (7) all investigations conducted;
 - (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
 - (9) all fees charged and collected.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 1.14. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to the Town Board of the Town of Lawrence a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the secretary of State, on behalf of this Town of Lawrence, on a form prescribed by the secretary of State, a report of the activities of this Town of Lawrence relative to administration and enforcement of the Uniform Code.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of state, from the records and related materials this Town of Lawrence is required to maintain, excerpts, summaries, tabulations, statistics, and other information and accounts of the activities of this Town of Lawrence in connection with administration and enforcement of the Uniform Code.

SECTION 1.15: VIOLATIONS

- (a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by (registered mail/certified mail). The Code Enforcement Officer shall be permitted, but not

required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by (registered mail/certified mail); provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) Appearance Tickets. The code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform code.
- (c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the energy Code or this local law, or any term or condition of any Building Permit, (Certificate of Occupancy/Certificate of compliance), Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town of Lawrence.
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town of Lawrence, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the energy Code, this local law, or any term or condition of any Building Permit, (Certificate of Occupancy/Certificate of Compliance, temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of order obtained under the Uniform Code, the energy Code or this local law, an action or proceeding may be commenced in the name of this Town of Lawrence, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure of an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town of Lawrence.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty

specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 1.16: FEES

A fee schedule shall be established by resolution of the Town Board of this Town of Lawrence. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, (Certificates of occupancy/Certificates of Compliance.), Temporary Certificated, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 1.17. INTERMUNICIPAL AGREEMENTS

The Town Board of this Town of Lawrence may, by resolution, authorize the Town Supervisor of this Town of Lawrence to enter into an agreement, in the name of this Town of Lawrence, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 1.18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

SECTION 1.19. EFFECTIVE DATE

This local law shall take effect January 1, 2007 after filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ARTICLE 2-GENERAL PROVISIONS

S2.1-Enactment

The Town Board of the Town of Lawrence hereby adopts and enacts this Site Plan and Subdivision Review Law (or alternatively, "this Law") pursuant to the authority and provisions of S10 of the New York State Municipal Home Rule law and S274-a and 276 of the New York State Town Law.

S2.2-Title

The law shall be referred to for all official purposes as the "Lawrence Site Plan and Subdivision Review law." This law replaces Local Law No. 1-2001, The "Lawrence Site Plan Review law."

S2.3-Use of the Term "Town"

The use of the term "Town" in this Law shall be deemed to refer to the Town of Lawrence.

S2.4-Intent and Purpose

It is the intent and purpose of the Site Plan and Subdivision review Law to promote the health, safety and general welfare of the Town through implementation and application of a site plan review and approval process and subdivision regulations.

Site plan and subdivision review are intended to foster the rational division of land and to promote good development in the Town. Sensible division of land and attractive and well-designed development are deemed to be essential for the maintenance and growth of the economy of the Town and for the protection and enhancement of property values. It is further the intent and purpose of this Law to provide for the identification and minimization of the adverse impacts, if any, created by new subdivisions and development on existing neighboring uses and on the overall resources of the Town.

It is the intent of the Town Board in enacting the Site Plan and Subdivision Review Law to provide for and allow all land use activities that meet the standards set forth herein and not to prohibit any specific proposed land use activity in the Town.

S2.5-General Applicability

Before commencing any subdivision of land or land use activity that is not otherwise exempt from the provisions of this Law, the owner of the property where the activity is proposed to take place, or a person authorized in writing to act for such owner, shall, in accordance with the provisions stated herein, obtain approval of the subdivision or site plan proposed for the property.

S2.6-Amendments

The Town Board may, on a petition properly brought by

- i) any resident or property owner of the Town; or
- ii) on recommendation of the Planning Board established pursuant to S12.1 of this Law (the "Planning Board"); or
- iii) or its own motion,

and following provision of appropriate public notice and conduct of a hearing, amend the Site Plan and Subdivision Review Law by a majority vote of the full membership of the Town Board. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred by the Board to the Planning board for a report and recommendation. The Planning board shall submit its report to the Town Board within thirty (30) days after receiving such referral.

S2.7-Performance Bond or Other Security

As an alternative to the installation of required infrastructure and improvements prior to approval by the Planning Board a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning board or a town department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the authorized board, shall be furnished to the town by the owner. Such security shall be provided to the Town pursuant to the provisions of subdivision nine of S277 of Town Law. Any such bond and all associated documents shall bear the certification of the Town Attorney, or of an attorney otherwise satisfactory to the Town, as to their sufficiency in accomplishing the purpose or purposes intended.

S2.8-Effect on Other Laws and Regulations

This Law in no way supersedes any provision, function or operation of any other Federal, State, or County law or regulation. Where any provision of this Law is in conflict with any other such law or regulation, the more stringent requirements shall take precedence.

S2.9-Definitions

Words and phrases used in this Law shall be defined as follows in this section. Words and phrases that are not defined in this section shall be deemed to be used as defined in the New York State Uniform Fire Prevention and Building Code.

ACCESS-any point of vehicular or pedestrian ingress and egress to or from a property or Lot.

ACCESORY STRUCTURE OR USE-a secondary structure or use on the same lot or on a contiguous lot under the same ownership that is associated with or is ancillary to the

principal use or structure, and that is incidental and subordinate to the principal use or structure.

AGRICULTURAL USE-a land use involving, on a more or less continuous basis, the growing and harvesting of agricultural crops, the raising of livestock, and the conduct of dairy farming operations, with the intent of selling all or the substantial part of any production for profit, without regard as to whether any actual profit is made. Maple syrup production, greenhouse cultivation, bee-keeping and Christmas tree production are considered to be agriculture. The term includes the necessary ancillary and appurtenant farm structures, to include residences of tenant and seasonal workers, and the storage of equipment.

APPLICANT-the person or persons, corporation, agency, or other legal entity who submits a site plan or subdivision review application pursuant to this Law.

AUTOMOTIVE REPAIR-see "Automotive Service."

AUTOMOTIVE SALES-a land use activity involving the more or less continuous offering for sale of

- i) automobiles and light trucks that have been acquired for the purposes of resale; or
- ii) heavy trucks or tractor-trailers; or
- iii) construction and grading equipment,

without regard as to whether the seller is constituted or licensed as a business entity. Automotive sales shall not be deemed to include the intermittent sale of used automobiles and light trucks that have been previously registered to the seller for the personal use of the seller.

AUTOMOTIVE SERVICE-a land use activity involving the more or less continuous servicing or repairing for profit of motor vehicles, without regard as to whether the person servicing or repairing the motor vehicles is constituted or licensed as a business entity.

BED-AND-BREAKFAST-an owner-occupied place of lodging that has four (4) or fewer guest rooms and that customarily, although not necessarily, serves one or more meals incidental to lodging.

BERM-a mound of earth, generally curvilinear between two points. Berms are used to screen, shield and buffer uses such as parking areas, and to separate incompatible uses. They also serve to control the direction of water flow and act as dams. The design of any specific berm is related to the characteristics of the particular site where used, but, in general, berms are two (2) to six (6) feet high and planted with vegetation.

BUFFER-an undeveloped area of property, or of a parcel of property, that is specifically intended and designed to separate and thus minimize the effects of a land use activity on

contiguous properties. Buffers are generally used in combination with other screening techniques to further promote the desired separation. See "Berm" and "Heavy Vegetative Screening."

BUILDING-a structure designed to be used as a place of occupancy, business, storage, or shelter. Use of the term "building" shall be deemed to incorporate the definition of the term "structure."

BUILDING, PRINCIPAL-see "Principal Building."

CAMP-a building intended for seasonal or intermittent use as a dwelling, generally for recreational purposes.

CERTIFICATE OF SUBMISSION-a certification, furnished by the Town clerk at the request of an applicant, that a final plat was filed on the final plat filing date.

CHANGE IN USE-the change of use or occupancy of a building from residential, commercial, or industrial use to one of the other uses, or a change in the intensity of the same use.

COMMERCIAL OUTDOOR STORAGE-a land use activity involving the storage of items for profit outside of any structure that completely encloses the items and maintains them away from view on a parcel of property pursuant to a lease, contract or other agreement between the owner of the items and the operator of the storage facility, without regard as to whether the storage activity is constituted or licensed as a business entity.

COMMERCIAL USE-any land use that involves, as a primary activity, without limitation, the selling of bulk and individual goods, merchandise, products, food, prepared meals, and services of any nature, but excluding any land use that can otherwise be deemed an industrial use.

COMPLETE SITE PLAN APPLICATION-a site plan application, as defined herein, that has been determined by the Planning Board to meet the requirements of S3.2 of this Law. A complete site plan application is required before the Planning Board can proceed to formally review the proposed site plan.

CONDITIONAL APPROVAL OF A FINAL PLAT-the approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permit prior to the:

- i.) signing of the plat by the officer of the Planning Board duly authorized to do so under Article VIII of this Law, and
- ii.) recording of the plat in the Office of the County clerk in accordance with Article VIII of this Law.

CURB-CUT-a defined opening, not dependent upon the presence of a curb or other improvements, to provide vehicular access from a public road to a lot or property.

DETERMINATION DATE-the date on which the Planning Board determines that a filed site plan application constitutes a complete site plan application.

DISMANTLER-See "Vehicle Dismantler"

DRIVEWAY-a road, internal to a subdivision lot, that provides access to the lot from an internal road, or from a public highway.

DUMP-see "Landfill"

DWELLING, SINGLE-FAMILY-see "Single-family Dwelling."

DWELLING, MULTI_FAMILY-see "Multi-family Dwelling."

DWELLING, TWO-FAMILY-see "Two-family Dwelling."

EFFECTIVE DATE-the date on which this Law is filed with the New York State secretary of State and the date upon which its provisions are first effective in general.

ENVIRONMENTAL ASSESSMENT FORM (EAF)-a form used to determine whether a project will have significant environmental impacts under the State Environmental Quality Review Act (SEQRA).

EXCAVATION EQUIPMENT-machinery, vehicles, trailers, and other tools and equipment used in the excavation, movement, hauling or transfer of soil, sand, gravel or rock.

FACILITY-some combination of a buildings and/or structures, generally, although not always, in connection with the use of the surrounding property.

FAMILY-One or more persons living together as a single housekeeping unit and maintaining a common household. The term "family" shall not be deemed to include fraternal or social organizations.

FENCE-a structure, generally linear between two or more points, that affords some combination and degree of privacy, screening, noise reduction and security.

FIELD ENTRANCE-a point of access onto a field or otherwise undeveloped portion of property that is designed for use by agricultural equipment or construction equipment, or for intermittent use by vehicles or pedestrians, or both, in connection with some event taking place on the field or with the use of the field as a temporary parking area.

FILING DATE-the date on which a complete site plan or subdivision application is filed for review by an applicant with an official of the Town.

FINAL PLAT-a drawing or set of drawings prepared according to the provisions of Article VIII of this Law, that shows the final layout and design of a proposed subdivision.

FINAL PLAT APPROVAL-the signing of a plat in final form by the officer of the Planning Board duly authorized to do so after adoption of a resolution by the Planning Board granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the County Clerk.

FINAL PLAT FILING DATE-the date on which the final plat, application, and all supporting information and materials, for a subdivision is filed with the Planning Board.

"FLAG" LOT-a lot shaped, in general, like a flag on a pole, where a buildable area (the "flag") is entirely landlocked except for a long, narrow strip of land (the "pole") that provides access to a road.

FORESTRY USE-the for-profit operation, on a more or less continuous basis, of timber tracts, tree farms, forest nurseries, including the gathering and harvesting of forest products. See, however, "saw-milling" operations, that are, for the purpose of this Law, an industrial use rather than a forestry use.

GENERATOR NUMBER-the identification number assigned by the U.S. Environmental Protection Agency to certain generators of hazardous waste.

GROSS BUILDING AREA-the area bounded by the total exterior dimensions of a building or structure. Gross building area is expressed in square feet.

GROSS FLOOR AREA-the area bounded by the total exterior dimensions of a building or structure times the number of floors or stories less the square footage of any porches, balconies, decks and garages. Gross floor area is expressed in square feet.

HAZARDOUS WASTE-ANY WASTE MATERIAL DEFINED AS A "HAZARDOUS WASTE" in 6 NYCRR, Part 37,S371.1 (d)-"Identification and listing of hazardous waste."

HOME OCCUPATION-any occupation or business or commercial activity that is, or is proposed to be ;

- 1.) conducted in whole or part on property where the principal building is a single-or two-family residence; and
- 2.) results in the production of a product or the provision of a service, or any combination thereof, for financial gain, but without regard as to whether such product or service is actually profitable; and

3.) that meets the following additional criteria:

- a.) The total area of all such activity conducted on the premises is limited to the lesser of 49% of the gross floor area of the principal building or 750 square feet.
- b.) The activity employs no more than the equivalent of one (1) full-time employee other than Residents of the premises.
- c.) If the activity involves the provision of instruction to students or services to clients, the total Number of such students or clients on the premises at any one time shall be limited to no more than (4) persons.
- d.) The activity produces no noise, vibration, glare or fumes detectable to normal sensory perception of adjoining or nearby properties or public ways and does not create any electronic interference of any type that can be detected from those locations.
- e.) The activity does not require or create a requirement for on-street parking.
- f.) The activity is not conducted out of doors, or otherwise outside of any enclosed structure, between the hours of 8:30p.m. and 9:00a.m.
- g.) The activity is not a hotel, motel, inn or bed-and-breakfast, or a salvage yard or landfill, and does not involve automotive sales, service or repair, the use of excavation equipment, or commercial outdoor storage.

HOTEL-a specifically designed facility offering lodging or any owner-occupied place of lodging than has thirteen (13) or more guest rooms.

IMPROVEMENTS-any building or structure, or alteration of any physical or natural condition for any reason, that are located or have been undertaken on a parcel of property.

INDUSTRIAL USE-any use of land that involves:

- i)the mining, milling or other extraction or primary processing of raw materials, minerals or other substances taken from the earth, along with all ancillary operations; or
- ii)the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or
- iii)the storage of, or manufacturing processes using, flammable or explosive materials; or
- iv)storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; or
- v)the manufacture, predominately from previously prepared materials, of finished products or parts, including processing,

fabrication, assembly, treatment, packaging, incidental storage, sales and distribution.

INN-a specifically designed facility offering lodging or any owner-occupied place of lodging that has twelve (12) guest rooms or fewer, but is not a bed-and-breakfast as herein defined, that may, but does not necessarily, include a public tavern and restaurant that may also serve non-guests.

INTERNAL ROAD-a road or network of roads that must be constructed, or is otherwise proposed by the applicant to be constructed, on the parcel to be subdivided for the purpose of providing access to the lots that are to be created.

JUNKYARD-a lot, land or structure, or part thereof, used primarily for the collection, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, for the purpose of selling parts thereof.

LANDFILL-any location where waste materials or substances are disposed of by depositing them on or under the earth.

"LANDLOCKED" lot-a lot that does not have direct access to a road.

LAND USE-activities involving land and improvements to land. Land uses are further characterized as being residential, commercial, agricultural or industrial in nature.

LEAD AGENCY-the agency, or other body that, pursuant to SEQRA, has primary responsibility for conducting a review of proposed land use activities for environmental impacts.

LOADING AREA-an off-street space or berth, no smaller than a parking space, used for loading or unloading of vehicles.

LODGING-the for profit offering and provision of transient living accommodations to the general public.

LOT-a parcel or contiguous area of land that has boundaries that have been established by some legal means, such as a recorded deed or map, and that is recognized as a separate, legal entity for the purposes of transfer of title.

MAJOR SUBDIVISION-any division of a parcel of property into four (4) or more lots, or any division of a parcel of property where the construction of an internal road is required pursuant to any provision of this Law or is otherwise proposed by the applicant. Notwithstanding the foregoing, a division into four (4) or more lots shall not be deemed to be a major subdivision, when

- i)all lots that are to be created are to be thirty-five (35) or more acres in area, and
- ii)the construction of an internal road is not required by any provision of this Law and

is not otherwise proposed by the applicant, and
iii) the Planning Board makes the determination that the proposed subdivision is a minor subdivision.

MINOR SUBDIVISION-a proposed subdivision that
i) involves the division of a parcel of property into two (2) or three (3), or
ii) into any number of lots when all lots to be created are to be thirty-five (35) or more acres in area,
and that does not require the construction of an internal road and construction of an internal road is not otherwise proposed by the applicant.

MOBILE HOME (Class 1)-a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis, and is designed to be used as a dwelling when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained therein, and that is constructed in accordance with regulations contained in the Code of Federal Regulations, Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban development, Part 3280, Manufactured Mobile Home construction and Safety Standards.

MOBILE HOME (Class 2)-any mobile home that is not a "mobile home (class 1)", as defined in this Law.

MOBILE HOME PARK-a residential use in which three (3) or more mobile homes (class 1 and class 2) occupied for year-round living are located on property under one operator. Adjoining parcels of land under essentially the same operator shall be considered as a single "mobile home park" for purposes of this Law.

MOTEL-see "Hotel."

MULTI-FAMILY DWELLING-a building or portion of a building designed for year-round occupancy, containing separate dwelling units for three or more families living independent of one another, other than hotels, motels, inns and bed-and-breakfasts.

OPEN MEETINGS LAW-the New York State Public Officers Law, Article 7. The Open Meetings Law sets out the requirements for public notice, access and participation in the proceedings of public bodies.

PARCEL-a contiguous area of land that has boundaries that have been established by some legal means, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

PARKING SPACE-an area reserved for the parking of a motor vehicle that measures a minimum of nine (9) feet in width and eighteen (18) feet in length, not including any space required for maneuvering aisles and vehicle circulation.

PRINCIPAL BUILDING-the building that houses the principal use on a parcel of land.

PRINCIPAL USE-the use of property, or of a parcel of property, that a reasonable person would deem to be the primary use.

PROPERTY-a contiguous area of land, consisting of two (2) or more parcels, that is under the same ownership. Use of the term "property" as a general term shall be deemed to mean a single parcel where such construction would be appropriate.

PUBLIC HEARING DATE-the date on which a public hearing is held pursuant to this Law on a complete site plan or subdivision application.

PUBLIC ROAD-a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, that affords the principal means of access to abutting parcels of property.

RIGHT-OF-WAY-a defined area of land that provides for parking, road construction, maintenance, drainage, improvement and/or widening.

RUNOFF-surface water that flows onto, within, and/or off of the site area.

SALVAGE YARD-any property or parcel, or portion thereof, used for the storage, collection, processing, purchase, or sale of items such as wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or the equivalent in parts of two or more unregistered, inoperable motor vehicles. Properties containing six (6) or more unlicensed vehicles, whether operational or not, retained for the personal use of the occupant, shall be considered a "salvage yard" if the vehicles are visible to the public.

SAWMILLING-an industrial land use involving the operation of saws and other ancillary equipment for the purpose of converting cut timber into rough or finished lumber, and including all associated storage lots, areas and structures, truck delivery and transport facilities, and structures and equipment used for the handling, storage and disposal of waste wood, brush, bark, leaves and sawdust.

SCREENING-vegetation, fencing, or earthen materials used to block visibility onto a parcel of property. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses. See "Berm," "fence" and "Heave Vegetative Screening."

SEASONALLY MAINTAINED PUBLIC ROAD-any public road that has been posted or mapped by the maintaining local government as being only maintained during certain seasons or months of the year.

SEQRA-see "State environmental quality Review Act."

SET-BACK-any required or minimum distance as measured from front, side and rear lot lines to a building or structure located on the property.

SHORT ENVIRONMENTAL ASSESSMENT FORM-see "Environmental Assessment Form"

SINGLE-FAMILY DWELLING-a detached building designed for occupancy by one family, other than a mobile home (class 1 and class 2), recreational vehicle, camp or temporary structure.

SITE PLAN APPLICATION-an application for site plan approval that has been received by the Planning Board, but has not yet been determined by the Planning Board to constitute a complete site plan application.

SKETCH PLAN-an informal map of a proposed site plan that, at a minimum, is prepared with sufficient accuracy and detail to be used by the Planning Board in discussing the proposal with the applicant.

SKETCH PLAN CONFERENCE-an informal Planning board review of a proposed project with the applicant, conducted at the request of the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what specific submission requirements will be established and what issues may be raised by a proposed project prior to formal submission of the site plan application.

SOLID WASTE-any waste material defined as "Solid Waste" in 6NYCRR, Part 360, S360-1.2 (a) and "recyclables" as defined by the St. Lawrence County Solid Waste Disposal Authority.

SPRINGHOUSE-a structure that covers, for the purpose of enclosing and protecting, a spring used as a water supply.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)-a State law, at 6NYCRR, Part 617, that requires the consideration of environmental factors in the planning, review and decision-making processes of government agencies by establishing a review process.

STRUCTURE-anything constructed or built, or a building of any kind, that requires location on the ground or is attached to something having a location on the ground. The term "structure" is deemed to include, without limitation, mobile homes (class 1 and class 2), fences, commercial and private radio, television, and other utility communication towers and dishes, and freestanding signs and light standards.

SUBDIVISION-any division of a parcel of property into two or more lots or sites without regard as to whether such lots or sites are to be offered for sale or lease. Subdivisions, for

the purpose of this Law, are further defined in this section as "Major subdivisions" and Minor Subdivisions."

TEMPORARY STRUCTURE-any structure that will not be in use for more than ninety (90) days and that will be taken down or dismantled on termination of the use.

TOWN CLERK- the Town Clerk of the Town of Lawrence.

TOWN BOARD-the Tow Board of the Town of Lawrence.

TRACT-see "parcel."

TWO-FAMILY DWELLING-a detached building designed for occupancy by two families, living independently of one another, other than a mobile home (class 1 and class 2), recreational vehicle, camp, or temporary structure.

USE, PRINCIPAL-see "Principal Use."

VEHICLE DISMANTLER-any person who is engaged in the business of acquiring motor vehicles or trailers for the purpose of dismantling the same for parts or reselling such vehicles as scrap. The term "vehicle dismantler" shall be deemed to include any person engaged in the business of acquiring damaged vehicles for the purpose of repairing and reselling them.

PART B
SITE PLAN REVIEW

ARTICLE III- APPLICABILITY TO SITE PLANS

S3.1-Land Use Activities Requiring Site Plan Review:

All proposed activities that involve:

- i) an expansion of an existing principal or accessory use of property; or
- ii) the addition of a new accessory use of property; or
- iii) a change in the principal use of property to another principal use

and require the issuance of a building permit or certificate of occupancy shall be subject to site plan review under this Law, except for the activities specifically exempted in §3.2 of this Law.

§3.2-Land Use Activities Exempt from this Law.

The following land use activities, or proposed land use activities, are exempt from the requirements of this Law and may be conducted without special review and approval by the Planning Board:

- 1.) The continuation, without change, of any land use activity holding a valid building permit or in operation as of the effective date of this Law.
- 2.) The construction of any new single-or two-family dwelling, or any addition thereto, so long as the combined dwelling and addition will continue to be used as a single-or two-family dwelling.
- 3.) The siting of one (1) mobile home (class 1) on an individual lot.
- 4.) Farming-the undertaking of agricultural uses, including seasonal roadside sales of home-grown produce, or construction of a structure or improvement used, maintained or operated in connection with an agricultural use, but specifically excluding permanent farm stand sales operations.
- 5.) Forestry uses.
- 6.) Accessory structures less than 600 square feet in size.
- 7.) Any temporary use that occurs less than twelve (12) days per calendar year and does not involve the construction of a permanent structure, facility or improvement.
- 8.) The construction or making of exterior alterations of an existing non-residential structure that does not increase the gross floor area of the existing structure by more than 15%.
- 9.) Home occupations, as defined in S2.9 of this Law.

§3.3-Effect on Existing Uses, Buildings and Structures

- 1.) Existing Buildings and Structures Exempt. This Law does not apply to any use, building or structure that is lawfully in existence as of the effective date of this Law so long as there is no change, alteration, modification, expansion or addition to the use, building or structure.
- 2.) Future Diminution of Use also Exempt. The act or actions involved in reducing or lessening of the use, size or extent of any building or structure that is otherwise exempt from this Law under any provision of this Article II, including the demolishing, razing or removal of the building or structure or any portion thereof shall be also exempt from the provisions of this Law, notwithstanding any provision to the contrary.
- 3.) Complete Destruction or Removal. On the complete destruction or removal of any building or structure, whether intentional or otherwise, any exemption from this Law arising under this Article III shall automatically terminate, without requirement of notice to the owner. Complete destruction of the building or structure involved is affected. Any replacement or reconstruction of a completely destroyed building or structure shall be subject to site plan review under this Law, unless one of the exemptions in S3.2 of this Law applies.
- 4.) Partial Destruction or Removal. Following the partial destruction or removal of any building or structure, whether intentional or otherwise, any exemption from this Law arising under this Article III that applies to the building or structure shall continue as to the portions of the building or structure that are not affected. Partial destruction or removal shall be deemed to be any reconstruction of a partially destroyed building or structure shall also be exempt from the provisions of this Law, provided that the following criteria are met:
 - i) the Enforcement Officer shall have been notified of the partial destruction or removal within ninety (90) days of the date on which the building or structure was partially destroyed or removed.

The Enforcement Officer shall inspect the building or structure, determine the extent of the destruction or removal, and notify the owner of the property and the Planning Board as to whether the destruction or removal was partial or complete. In the event the destruction or removal is found by the Enforcement Officer to be partial, the Planning Board shall so notify the owner of the property by letter. The notification shall include information about the right to replace or reconstruct the building or structure in a manner exempt from this Law and shall state the date by which replacement or reconstruction must be commenced.

- ii) the replacement or reconstruction shall be commenced within 180 days of the date on which the building or structure was partially destroyed or removed and shall be pursued diligently to completion.
- iii) the replacement or reconstruction shall be the reasonable equivalent of the portion of the building or structure that was destroyed or removed, and shall not constitute, comprise or incorporate a change, modification, alteration, expansion or to the building or structure, except for such changes, modifications and alterations that are required to connect, upgrade or modernize utilities, maintain the building or structure in accordance with applicable building regulations, or are otherwise needed to provide for the safety of occupants and users of the building or structure and the general public.

5. Automatic Termination of exemption. Any illegal or unlawful change in the use or characteristics of a property, parcel, building or structure, or any operation of a property, parcel, building or structure in a manner that is illegal or unlawful, shall have the effect of automatically terminating any exemption applying to property, parcel, building or structure that has arisen under any provision of this Article III, without requirement of notice to the owner. Any act in violation of any provision of this Law shall likewise automatically terminate any such exemption.

The Planning board, upon making a determination that an exemption has been terminated under this provision, may require, upon provision of notice to the owner of the property, the submission of a site plan pursuant to this Law for all improvements on the property as they then exist or are then in operation, which, in such event, shall be submitted within thirty (30) days of the notice. This provision shall not be deemed to restrict or limit any other right of action of the Planning board, or of the Town board, or of any other county, State or federal official, against the owner of the property with regard to the act or condition that gave rise to the termination of the exemption.

Failure by the Planning Board to act under this provision shall not be deemed to limit any future right of the Planning board to act with regard to the same, or any other, such act or condition.

S3.4-Determination of Applicability

Any person uncertain as to whether a given land use activity requires site plan review under this Law may request and receive a non-binding determination of applicability from the Planning board. The request to the Planning board shall be in writing and shall state the nature and extent of the proposed land use, and shall provide sufficient additional information needed to allow the Planning Board to make its determination.

S3.5-Sketch Plan conference

1. General. A sketch plan conference between the applicant and the Planning board is encouraged to discuss in general terms the development proposal, determine the information to be required in the site plan application, assist the applicant in complying with the requirements of the State Environmental Quality Review Act (SEQRA) process and identify potential problems and concerns with the project.
2. Scheduling. The sketch plan conference shall be scheduled and conducted by the Planning board based on a request by the applicant, at a place and time established by the Planning board and acceptable to the applicant. In scheduling and conducting the sketch plan conference, the Planning board must observe the requirements for public notice, access and participation pursuant to Open Meetings Law.
3. Conduct. At the sketch plan conference, the applicant shall provide, at a minimum, a description of the proposed land use activity and a sketch plan of the intended improvements and changes. This sketch plan shall be sufficient to show the location of the building site and its relationship to the surrounding area and properties.)Note: the Town Assessor or the St. Lawrence county Real Property Tax Office have parcel maps that can usually be copied for a small fee that can be used as a base map for this purpose).
4. Information. The applicant is encouraged to provide as much additional information about the project during the sketch plan conference as is possible, using the requirements for a complete application set out in S4.2 of this Law as a guide.

S3.6-Actions Based on Sketch Plan Conference.

Upon review of the sketch plan information with the applicant, the Planning board shall take one of the following actions:

1. Not Proceed with the Review. Advise the applicant that the Planning board will not proceed with its review of the site plan proposal because of one or both of the following:

- i) There are, in the view of the Planning board, one or more problems with the applicant's proposed site plan. In such event, the Planning Board may recommend a manner in which the problems could be addressed.
- ii) There is additional information required under S4.2 of this Law that must be submitted to constitute a complete application. Consistent with S4.5 of this Law, the Planning Board has the ability, by majority vote, to waive any one or more of the requirements that are not deemed necessary and inform the applicant that such a waiver has been granted.

The applicant shall be informed of the proper procedures for filing the application, and may be granted, at the discretion of the Planning Board, one additional sketch plan conference to present an amended or supplemented proposal. If an applicant is advised that the Planning Board will not proceed with the review at the conclusion of the sketch plan conference, such notice to the applicant may be furnished informally by the Planning board, with written confirmation to follow within five (5) days. In the event that the Planning Board chooses to so advise the applicant at a time following conclusion of the sketch plan conference that the review will not proceed, the notification shall be in writing. In the event the Planning Board decides not to proceed with the review, the applicant will be informed of the reason or reasons for the decision.

2.) Proceed with the Review. Determine, by majority vote, that the information submitted is adequate to evaluate the proposal in terms of the review standards set out in Article VI of this Law and constitutes a complete site plan application, as defined in S4.4 of this Law. Submission requirements stated under S4.2 of this Law that are to be waived prior to making such a determination shall be waived in the manner and according to the standards described under S4.5 of this Law. In the event that a determination is made to deem the applicant's proposal a complete site plan application as a result of the sketch plan conference, the date of the sketch plan conference shall become the determination date provided for under S4.4 of this Law. The Planning Board shall furnish the applicant with the letter required pursuant to this Law informing the applicant of its determination within five (5) days of the sketch plan conference date.

ARTICLE IV-PROCEDURE FOR SITE PLAN REVIEW

Before commencing any land use activity that is not otherwise exempt from the provisions of this Law, the owner of the property where the activity is proposed to take place, or a person authorized in writing to act for such owner, shall, in accordance with the provisions stated herein, obtain approval of the site plan for the property.

S4.1-Application Procedure for Site Plan Approval

To apply for site plan approval, an applicant shall complete the "Application for Site Plan Review" form attached to this Law at Appendix "A" or its successor form, and prepare all other information listed at S4.2 of this Law (the application form and other information hereinafter collectively are termed the "Site Plan Application"). The site plan application shall then be filed, with respect to developments or improvements located in the Town with the Town Clerk or enforcement Officer. The date on which the site plan application is filed with a municipal officer shall be termed the "filing date." The municipal officer who receives the site plan application shall forward it to the Planning board within five (5) days of the filing date and notify the Planning board of the filing date.

S4.2-Site Plan Application Information Requirements.

The following information shall be required in addition to the completion of the "Application for Site Plan review" form. A completed site plan application shall include all listed items unless submission of one or more of the items is specifically waived by the Planning board.

1. Initiation of SEQRA Review. The applicant shall prepare, and file with the site plan application the New York State Shore Environmental Assessment form, a copy of which is attached to this Law at Appendix "B", or its successor form, to allow the Planning Board to determine the applicability of the State Environmental Quality Review Act (SEQRA). For "Type I" SEQRA actions, which are those that may have a significant effect on the environment, and all other actions not listed as "Type II" SEQRA actions ("Unlisted Actions"), the Planning board shall then initiate the review process required by SEQRA. Type II actions are not subject to review under SEQRA. A list of "Type I" and "Type II" actions is at Appendix "C" of this Law. As this list may be amended after the enactment of this Law, it should not be deemed authoritative and current information as of the date of the filing of the site plan application must be obtained.
2. Affidavit or Written Authorization of the Property Owner. The person filing the site plan application normally shall be the owner of the property on which the land use activity is proposed. For non-

owner applicants, a written permission of the owner that references the proposed land use shall be filed.

3. Existing Features and Location Map. This map, at a minimum, shall be drawn to scale with a north arrow and clearly show boundaries and dimensions of the parcel, adjacent properties and their uses, roads, and any easements or other rights-of-way located on the property. The map shall show, where present, existing man-made and natural features of the site, including buildings and structures, points of access, signs, free-standing lights, land uses not housed in a building or structure, roads, steep slopes, wetlands, flood and erosion prone areas, wells, septic tanks and leach fields, wooded areas greater than $\frac{1}{4}$ acre in size and individual trees outside wooded areas with a trunk diameter of 24" and over, and utility lines and rights of way (Note: the Town assessor or the St. Lawrence County Real Property Tax Office have parcel maps that can usually be copied for a small fee and used as a base map on which to display this information).
4. Development Plan Map. A development plan shall be prepared for the land use activity proposed, either as additional information noted on the Existing Features and Location Map or on a separate map prepared to the same scale. If the Existing Features and Location Map is used for this purpose, it shall clearly be identified as doing so. The Development Plan Map shall show the location, to include notation of distance in feet from at least two lot lines that are more or less perpendicular from one another, of the following information:
 - a. Proposed buildings and structures, any proposed additions to existing structures, and other proposed uses not involving any change to a building or structure. Buildings and structures, and any additions, shall be annotated with exterior dimensions, to include height.
 - b. Proposed access points to the site, annotated as to whether for vehicular or pedestrian use, or both, and specifying type of construction and width.
 - c. Proposed internal driveways and other on-site circulation, and parking and loading areas, specifying type of construction and dimensions.
 - d. Proposed new water supply and wastewater disposal systems, and any expansion of existing systems. In the event that the Existing features and Location Map is not used as the Development Plan Map, the development Plan Map will be annotated with the location of any existing water lines, wells, streams, watercourses, sewer lines, septic tanks and leach fields. The distance of the proposed water supply and wastewater disposal system

- improvements from each of the above features, as applicable, shall be noted.
- e. Proposed outdoor storage and display areas.
 - f. Proposed solid waste and hazardous waste collection, storage and staging areas, including the location of waste storage containers.
 - g. Proposed signs, specifying height from the ground to the base and the top of the sign, dimensions and means of illumination.
 - h. Proposes outdoor lighting, specifying height from the ground to the top of the light or light enclosure, type (whether wall or ground mounted, or on a freestanding standard or pole), bulb type (mercury or sodium vapor, incandescent, etc.), bulb style (floodlight, spotlight, etc.), hours of operation, the area that the light will illuminate, and any other special characteristics.
 - i. Proposed changes in the existing surface drainage pattern.
 - j. Proposed screening, set-backs and other buffer areas.

The preceding list should be used by the applicant in conjunction with the requirements set out in Article VI of this Law to insure inclusion of sufficient information on the Development Plan Map.

S4.3-Written Confirmation of Site Plan Application Filing

The Planning Board shall, within fourteen (14) days of the filing date of a site plan application, cause written confirmation to be sent to the applicant of the receipt of the site plan application by the Planning board. The letter, when appropriate, may also note additional materials or information needed from the applicant in order to complete the site plan application, but failure of the Planning Board to do so shall not be deemed for any reason a determination that the site plan application is a complete site plan application, as defined in this Law.

S4.4-Determination of Complete Site Plan Application

The Planning Board shall, within thirty (30) days of Filing date or within five (5) days following the receipt by the Planning Board of notice of completion of any review required under SEQRA for which the Planning board is not the lead agency, whichever is later, make a determination as to whether to accept the site plan application as complete and begin the review process, or to reject the site plan application as incomplete. The date of this determination shall be termed the "Determination Date."

1. Complete Site Plan Application. A site plan application deemed by the Planning Board to be complete shall hereinafter be termed a "Complete Site Plan Application." Following the determination that a complete site plan application has been received, the Planning board shall provide the applicant

with a letter noting the determination, stating the determination date and informing the applicant that a final determination will be made within sixty-two (62) days of the determination date or, if a public hearing is to be held pursuant to S4.6 of this Law, within sixty-two (62) days of the date on which the public hearing is held. The applicant shall also be informed in this letter of the determination by the Planning Board that a public hearing will or will not be required.

2. Incomplete Site Plan Application. Incomplete site plan applications shall be returned to the applicant by the Planning Board within five (5) days of the determination date and shall be accompanied by a letter that states the information that must be filed by the applicant in order to proceed with the review. In the event that the applicant chooses to proceed with the application and submit the required information, the date on which the additional information is reviewed by the Planning board shall become the new filing date, with the thirty (30) day period provided for in this section re-commencing as of that date.

S4.5-Waiver of Certain Submission Requirements

In certain instances where a site plan application would otherwise be returned to the applicant as incomplete, the Planning Board, consistent with good planning practices and at its discretion, may by majority vote waive one or more of the submission requirements listed in S4.2 of this Law.

S4.6-Public Hearing

1. When Mandatory. For any site plan application involving construction of or improvements or changes to any of the following land use activities, a public hearing on the application is mandatory and shall be scheduled by the Planning Board.
 - a. Mobile Home Parks.
 - b. Multi-family dwellings
 - c. Junkyards and Salvage Yards.
 - d. Industrial uses.
 - e. Facilities involving or used for the transfer or disposal of solid waste, including landfills.
 - f. Facilities involving or used for the transport, storage or disposal of hazardous waste in any quantity sufficient to require a state license or permit.
2. When Optional. For all other applications, the Planning board may, at its discretion, determine, by a majority vote, that a public hearing on the proposed site plan shall be held.
3. Procedure. The public hearing shall be held within sixty-two (62) days of the determination date and shall be advertised in a newspaper that has general

circulation in the Town at least five (5) days before the public hearing. The applicant shall be sent notice of the hearing at least ten (10) days in advance of the hearing date. Following such a public hearing, the Planning Board shall have sixty-two (62) days from the date the public hearing is held (the "Public Hearing Date") to render a final decision.

S4.7-Planning Board Decision

Within sixty-two (62) days of the determination date or, if a public hearing is held, within sixty-two (62) days of the public hearing date, the Planning Board shall render a decision to approve, approve with modifications or conditions, or disapprove the site plan. All decisions shall be by majority vote of the full membership of the Board.

1. Approval.-The Planning board, upon a decision to approve a proposed site plan, shall file the Complete site plan application documents and a written statement of approval, signed by the Chair of the Planning Board, with the Town Clerk. Copies of the written statement of approval shall be provided to the applicant and the Enforcement Officer.
2. Approval with Modifications or Conditions. The Planning board may approve the site plan subject to
 - i) specific modifications made by the applicant to the site plan; or
 - ii) specific conditions established by the Planning board to be met by the applicant, or both. Copies of the complete site plan application documents and a written statement of approval containing the modifications and conditions required by the Planning board, signed by the Chair of the Planning board, shall be filed with the Town Clerk. Copies of the written statement of approval containing the modifications and conditions shall be provided to the applicant and the Enforcement Officer.
3. Disapproval- The Planning Board, upon disapproval of an applicant's site plan following review of the proposal against the standards set out in Article VI of this Law, shall file with the Town clerk a written statement of the decision containing the reasons for the disapproval signed by the Chair of the Planning board. Copies of the written statement of disapproval shall be provided to the applicant and the Enforcement Officer.

S4.8-Extension of Time for Final Decision

The time period during which the Planning board must render its decision can be extended by the mutual consent of the applicant and the Planning Board.

S4.9-Appeals Procedure

Any person aggrieved by any decision of the Planning Board or by the action of an officer of the Town with respect to the provisions of this Law may apply to the Supreme Court for a review of the decision by a proceeding brought under Article 78 of the Civil Practice Laws and Rules. Such proceeding must be brought within thirty (30) days of the date of the filing of a final decision rendered pursuant to S4.7 of this Law in the office of the Town clerk, or it is statutorily barred.

S4.10-Amendments to an Approved Site Plan

Submission and review of any amendment to an approved site plan shall be acted upon in the same manner as the original application.

S4.11-Transferability of Site Plan Approval

A site plan approval shall be transferable upon the sale or transfer of the property that is to be developed on the provision of notice to the Planning Board by the new owner within thirty (30) days of the date the property is sold. The notice shall include the following:

- i) The new owner shall affirm the intention to construct all improvements remaining to be constructed on the property in accordance with the approved site plan.
- ii) The new owner shall affirm compliance with all conditions established by the Planning Board in connection with the approval of the site plan.

The Planning board may revoke, without requirement of notice to the new owner, the site plan approval with regard to any improvements not constructed in the event that the new owner does not strictly comply with the provisions of this section.

S4.12-Expiration of Site Plan Approval

Any approval of a site plan granted pursuant to this Law shall expire automatically one (1) year from the date upon which the approval was granted in the event of either of the following events.

- i) the applicant has failed to break ground on the improvements to be constructed; or
- ii) following breaking of ground, the applicant has failed to pursue construction of the improvements to such extent that a reasonable conclusion could be drawn that the development has been abandoned.

The Planning Board, at its discretion, by majority vote may elect to extend a site plan approval beyond one year in the case of either of the foregoing instances based on an affirmative showing by the applicant of relevant hardship.

ARTICLE V-SITE PLAN REVIEW STANDARDS

S5.1-General Standards

1. Protection of Health and Safety. Development proposed on a site plan shall be of such character that, following completion of the proposed improvements, the property upon which the improvements are located does not present any danger arising from conditions detrimental to health or safety, or peril from fire, flood, or other causes, to persons occupying or using the property or to the general public.
2. Preservation of Town Character. The Proposed development shall be visually compatible with the character of the Town with the extent of compatibility necessary to be determined by the Planning Board in its sole discretion following consideration of all relevant information. The economic impact on the applicant of achieving such compatibility shall be among the factors considered by the Planning Board in making the determination.
3. Separation of Incompatible Uses or Activities. Heavy vegetative screening, combined, as appropriate, with other means of buffering, such as the use of earth berms, shall separate:
 - I) commercial and industrial uses from residential properties; and
 - II) other proposed uses from any adjacent existing uses where the degree of conflict is so great or so apparent as to allow a reasonable person to conclude that the proposed use would have a detrimental affect on any person's enjoyment, for any purpose, of the existing use.

S5.2-Specific Standards

The review of the complete site plan application by the Planning Board may include, as appropriate, consideration and application of the following:

1. Legal. The proposed development shall be in conformance with all provisions of this Law and other applicable Town of Lawrence, County, State and Federal laws. The applicant shall demonstrate application for or compliance with all required permits.
2. Traffic Movement and Safety. The proposed development shall provide for safe, convenient and efficient movement of traffic on the site and as it affect adjoining roads, driveways and properties. The applicant shall be responsible for obtaining any necessary permits to create curb-cuts and work in the right-of-way from the State, County, or Town highway departments. Access to the site from public roads and on-site circulation shall be well-designed, safe and in conformance with the following:
 - a. The site shall be accessible during all months of the year if used year-round with particular attention to access by emergency vehicles. If only seasonal use is proposed, access shall be possible during the months of use.

- b. On-site driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
 - c. There may be no more than two (2) vehicular access points (excluding field entrances).
 - d. In cases where sites have frontage on more than one road, the principal point of access shall be from the more secondary road whenever feasible. However, access suitable for emergency vehicles shall be provided, where possible, from a road that is maintained on a year-round basis as opposed to from a road that is maintained only seasonally.
 - e. Highway sight distances from vehicular access points shall be adequate to provide for safe ingress and egress of vehicles.
 - f. Development of the site shall not create or increase any traffic hazard on public roads, whether by limiting sight distance, reducing effectiveness of vehicular circulation, or through creation of some other condition that affects safe operation of motor vehicles on public roads.
3. **Parking and Loading.** Adequate off-street parking and loading spaces shall be provided for the use of occupants, employees, clients and customers so that parking does not obstruct the safe flow of traffic on public roads. Parking and loading areas shall be adequately screened or fenced from existing residences and State-designated tourism routes. Design of parking areas shall be accomplished so as not to force vehicles to back onto a public roadway, block access to the site, or create hazards for pedestrians, and shall avoid dispersion of vehicles about the site to the maximum extent possible. Interior driveways shall be adequate to provide safe accessibility to all off-street parking spaces required. The number of spaces provided shall be in accordance with the following.
- a. Residential use-one (1) parking space for each dwelling unit.
 - b. Retail establishment or office-one (1) parking space for each 200 square feet of gross floor area.
 - c. Church, meeting hall, funeral home, or other place of public assembly-one (1) parking space for every eight (8) seats provided based on maximum seating capacity.
 - d. Restaurant- one (1) parking space for each five (5) seats.
 - e. Hotel, motel, inn, or bed-and-breakfast- one (1) parking space for each guest room.
 - f. Nursing home-one (1) parking space for each five (5) patients.
 - g. Industrial facility-one (1) parking space for each employee per shift.
 - h. Other uses-parking spaces adequate to meet the expected maximum demand based on requirements established for similar uses.
4. **Town Services.** The proposed development shall not place unreasonable or extraordinary demands on services and facilities, to include, without limitation, fire protection, emergency medical services, the upgrading, maintenance and snow plowing of public roads, recreational facilities, water supplies and

sewage/waste disposal systems.

5. **Drainage.** The proposed development shall provide for proper storm water and drainage on the site such that runoff will not enter, cross or undermine public roads, lead to ponding, or excessive erosion, or cause nuisance conditions for neighbors.
6. **Water and Sewer/Waste Disposal.** The development shall, in the absence of either or both community water and sewer service, accommodate the on-site wastewater treatment and water supply as follows:
 - a. Pollution control methods for sewage disposal shall comply with the New York State Uniform Fire Prevention and Building Code, 10NYCRR, Chapter 11, with particular reference to Appendix 75-A, Individual Household Systems. This code requires an appraisal of soil conditions to install a septic tank and leach field system by conducting a soil percolation test to properly locate and size the leach field. The following minimum separation distances for locating septic tanks and leach fields shall be satisfied:
 - i) 100 feet from any source of water supply; and
 - ii) 100 feet from any stream or watercourse; and
 - iii) ten feet (10') from any foundation wall; and
 - iv) fifteen feet (15') from any property line,The location of septic tanks and leach fields shall be clearly identified on the Development Plan Map with distances from lot lines and wells. Proposals that may lead to increased demands on sewage disposal facilities shall demonstrate that such systems are properly functioning and sized to accommodate increased demands.
 - b. Water supply for public or semi-public uses shall be from a properly grouted, drilled well. Potable water for private uses may come from other sources.
7. **Off-site Impacts.** The design of the proposed use shall not create conditions that adversely affect nearby properties and public areas, to include the following, without limitation:
 - a. No aspect of the development shall unreasonable block sunlight and air circulation from neighboring properties.
 - b. The location, direction, power and time of use for any proposed lighting shall be designed to protect nearby properties from unreasonable disturbance.
 - c. Nearby properties shall be protected against u\nnuisances created by the proposed improvements, to include, without limitation, nuisances caused by noise, smoke, trash, garbage, debris, vibration, fumes, dust, odors or glare. The use of the following mitigation measures shall be considered where a proposed use is deemed likely to generate nuisances for adjacent properties.
 - Relocation of nuisance-generating activities to provide a greater

- distance from neighboring properties.
 - Provision of fencing, berms, and heavy vegetative screening to visually screen neighboring properties.
 - Limitation on hours of operation.
 - Enclosure of nuisance activities in a structure.
 - Restrictions on outdoor nuisance-generating activities.
- d. On-site materials storage, refuse, and salvage materials shall be screened or fenced from view from public roads and existing residences.
8. Waste Management. The site design shall provide for the safe and sanitary temporary storage of solid and hazardous waste. Waste storage and loading areas and waste containers shall be screened from public view and from view from adjacent properties. All storage and handling of solid and hazardous waste shall demonstrate compliance with applicable Town, County, state and federal laws, and shall demonstrate application for and compliance with all required permits.
9. Storage of Petroleum Products. Proposed uses involving the bulk storage of petroleum products shall demonstrate compliance with applicable Town of Lawrence, County, State and Federal laws, and shall demonstrate application for and compliance with all required permits.
10. Underground Storage Tanks. Proposed uses involving the installation or use of underground storage tanks shall demonstrate compliance with applicable Town of Lawrence, County, State and Federal laws, and shall demonstrate application for and compliance with all required permits, satisfactory leakage or tightness testing results for existing tanks, and satisfaction of financial responsibility requirements.
11. Environmental Considerations. In general, proposed development of any site shall avoid areas where the below listed conditions are present. Where mitigation of any environmental condition is permitted by law, the applicant shall show or state in the site plan application all such proposed mitigation measures and shall provide evidence of application for any permits, submissions, agency approvals or other permissions required therefore.
- a. slopes greater than 15%.
 - b. Areas of seasonal or permanent high groundwater.
 - c. Flood hazard areas.
 - d. State designated freshwater wetlands.
 - e. Rivers and other bodies of water.
 - f. Areas of shallow soil depth to bedrock or of numerous rock outcrops.
 - g. Areas subject to high erosion.
 - h. Other designated sensitive environmental areas, such as species habitat

Where mitigation of any environmental impact is permitted by law, the applicant

shall show or state in the site plan application all such proposed mitigation, measures and shall provide evidence of application for any permits, submissions, agency approvals or other permissions required therefore.

12. Pedestrian Circulation. The development in general will provide for the safe and convenient movement of pedestrians both within the site and to and from the site in a manner separated from vehicular traffic?
13. Preservation of Historic Resources. If designated historical sites on the State and National Register of Historic Places are located on the property to be developed, the applicant shall provide evidence of application for any permits, submissions, agency approvals or other permissions required in connection with the presence of such sites, areas and structures.
14. Town Character. The location, scale, height, and appearance of structures will be appropriate to their function and will they be compatible with the surrounding architecture, townscape and natural landscape?
15. Preservation of Wooded Areas. Clear-cutting of large wooded areas for development or of any individual healthy trees of 24" or over in diameter located outside of wooded areas shall be avoided. When tree removal is required, consideration shall be given to the planting of replacement trees of equivalent species elsewhere on the site.

S5.3-Additional Standards for Mobile Home Parks

The following requirements shall apply to three (3) or more mobile homes (class 1 and class 2) on a single property.

1. Installation standards. Installation of mobile homes shall be in accordance with standards set out in the New York State Uniform Fire Prevention and Building code. Subchapter D, Part 1223, SS1223.1 to-6.
2. Water supply and Wastewater Facilities. All water supply and wastewater discharge facilities for mobile homes shall conform to Department of Health standards applicable to mobile home parks.
3. No Operation Unless in Compliance with all Laws. No mobile home park shall operate, or continue in operation, in any area of the Town unless the operation is in full compliance at all times with all applicable Federal, State, County and Town laws.
4. Automotive parking. At least one (1) off-street parking spaces for each mobile home (class 1 and class 2) shall be provided for each individual mobile home site. Each parking space shall have convenient and ready access to the internal road network and shall not directly access a public road.
5. Internal Road System. The internal road system for mobile home parks shall comply with the following standards:
 - a. All roads shall provide year-round accessibility to every lot in the mobile home park for emergency and service vehicles.

- b. All roads shall be a minimum of eighteen feet (18') wide and shall be constructed to accommodate two lanes of traffic.
 - c. All road surfaces shall be paved or, at the discretion of the Planning Board, constructed with gravel or crushed stone.
 - d. Any dead-end roads shall be no longer than five hundred feet (500') and terminate in a turn-around with a sufficient diameter to accommodate fire trucks and snow plows.
6. Recreation Area. A minimum area shall be set aside exclusively for recreational use by the residents, equal to the greater of five percent (5%) of the total property area or 4,000 square feet.
 7. Screening and Landscaping. Undisturbed natural vegetation, fencing or a landscaped area along exterior lot lines shall provide visual screening of the mobile home park from adjacent residential properties.
 8. Separation Distances. No mobile home shall be located closer than ten feet (10') from any other mobile home.
 9. Utilities. Utilities shall be placed underground wherever possible, and shall be screened where above-ground placement is necessary. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties. Access to above-ground utility structures shall be provided at all times.

S5.4-Additional Standards for Junkyards and Salvage Yards

Junkyards and salvage yards shall meet the following additional requirements.

1. No Operation Unless in Compliance With all Laws. No junkyard or salvage yard shall operate, or continue in operation, in any area of the Town unless the operation is in full compliance at all times with all applicable Federal, State, County, and Town of Lawrence laws.
2. Fencing and Screening Required. Any junkyard or salvage yard shall be completely surrounded with a fence that substantially screens the area. All the materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence.

Where the topography, land forms, natural growth of trees or other considerations accomplish effective screening, the fencing requirements may be varied by the Planning Board.

3. Restrictions on Location. No junkyard or salvage yard shall be located within 500 feet of any existing dwelling other than a principal residence on the same parcel or within 50 feet of a public highway, measured from the fence.
4. Effect of this Law on Existing Junkyards. All operating junkyards and salvage

yards that are legally permitted and in compliance with all applicable laws on the effective date of this Law shall be allowed to continue in operation, but shall be limited to the size, area, manner and scale of the present operation unless a site plan for any proposed expansion or improvements is approved in accordance with this Law, in which event the entire area of the junkyard or salvage yard shall be subject to compliance with all provisions of this Law.

S5.5-Additional Standards for Landfills

Landfills shall meet the following additional requirements.

1. Buffer Area Required. Any landfill, to include any structures, facilities or improvements associated with the operation of the landfill other than:
 - i) structures, facilities or improvements that are entirely used for administrative purposes, such as business office or employee parking lot; and
 - ii) structures, facilities or improvements constructed to provide vehicle or rail access to the landfill, to include roadways and rail spurs and appurtenant bridges, culverts and drainage improvements.

Shall be completely surrounded by a designated buffer area under the same ownership as the landfill that is:

- i) at least five hundred feet in width; or
- ii) of the width specified a permit issued pursuant to 6NYCRR, Part 360,

whichever is greater. Any unloading, staging or storage area, to include any rail spur where rail cars are held awaiting unloading or pickup, shall be inside of the buffer area. All vehicular, rail switching and maintenance operations shall be outside of the buffer area. The buffer area shall incorporate the use of berms and heavy vegetative screening to prevent visibility into the landfill from neighboring properties and public roads.

2. Security. The entire perimeter of the inside of the buffer required under this section shall be fenced by
 - i) a chain link security fence of at least seven feet (7') in height; or
 - ii) any security fence required under County, State or Federal law or regulation.

whichever affords greater protection to the general public. Two gated vehicular access points shall be created through the fence. Both access points shall be of sufficient width to permit the passage of emergency vehicles and equipment. A single gate shall be used during the hours of operation, with the other gate to remain locked. One or more employees of the landfill operator shall be present at the vehicle gate used during the hours of operation for the purpose of providing physical security of the facility and to inspect and monitor vehicles and materials entering the landfill. Notwithstanding any provision in this subsection to the contrary:

- i) one or more gated pedestrian access points with access security features and controls sufficient to prevent unauthorized access to the facility may be created through the fence; and
- ii) one gated rail access point with access security features and controls sufficient to prevent unauthorized access to the facility may be created through the fence.

Keys or equivalent means of entry to all gates shall be supplies, as appropriate, to the Town Clerk and Volunteer Fire Department.

3. Internal Road System. Roads constructed on landfills, to include any surrounding buffer area, shall comply with the following standards:
- a. All roads shall provide year-round accessibility for emergency vehicles.
 - b. All roads shall be a minimum of eighteen feet (18') wide with shoulders as necessary to accommodate two vehicles side by side.
 - c. All road surfaces shall be paved unless a particular aspect of the nature of the use of the road requires otherwise. In such event the road surface shall be constructed and maintained with gravel or crushed stone.
 - d. Road system design shall provide two separate access points to the adjacent public road network.
4. Restrictions on Location. No landfill, to include any surrounding buffer area provided for in this Law, shall be located within 1,500 feet of any
- i) existing dwelling; or
 - ii) commercial or industrial building where one (1) or more persons is employed on a regular basis; or
 - iii) any public building or land

as measured from the closest point of the security fence required under this Law unless:

- i) the permission of the owner of such dwelling or building, or of the local government, is obtained in writing and is furnished to the Planning board; or
- ii) the dwelling or building is under the same ownership as the landfill, and a notarized statement attesting to such ownership is furnished to the Planning Board.

PART C
SUBDIVISION REVIEW

ARTICLE VI-APPLICABILITY TO SUBDIVISIONS.

S6.1-Subdivision Plat Approval Required.

Subdivision plat approval is required;

- i) whenever any subdivision of a parcel into two (2) or more lots or sites is proposed to be made within the Town, and
- ii) before any contract for the sale of or any offer to sell any lots in the subdivision or any part thereof is made, and
- iii) before any permit for the erection of any structure in the subdivision is granted.

Whenever any of the above apply, the applicant shall make application for and receive final approval of the proposed subdivision in accordance with these regulations.

A one (1) time allowance may be made for the minor subdivision of an improved lot having the customary services of water, sewer, and electrical. The portion of property which is to be separated can not exceed one (1) acre- but minimum of 12000 square feet.

- 1.) The division must be approved by the planning board under the site plan approval process.
- 2.) The division must have an easement to a public roadway.
- 3.) Subdivision does not require the construction of an internal road and construction of an internal road is not otherwise proposed by the applicant.
- 4.) A charge of \$50.00 shall be assessed to cover legal notice and adjacent property notifications.

S6.2-Effect on Existing Parcels and Lots

These Regulations do not apply to any division of property that has been lawfully recorded among the land records of the county as of the effective date.

ARTICLE VII-APPLICATION FOR SUBDIVISION APPROVAL

S7.1-General-Before undertaking the division of any parcel of property, the owner of the property, or a person authorized in writing to act for such owner, shall, in accordance with the provisions stated herein, apply to the Planning board for approval of a subdivision plat.

S7.2-Preapplication Procedures-Prior to the preparation and submission of a plat to the Planning Board for approval, it is recommended that the applicant undertake the following steps:

- i) Assemble the information and data on the existing conditions at and affecting the parcel to be subdivided.
- ii) Review New York State Real Property and Health Department laws concerning the subdivision of land.
- iii) Study the site suitability and opportunities for development and discuss the findings with a licensed land surveyor and, as appropriate, other consultants such as land planners and civil engineers.
- iv) In the event that the subdivided lots are to be marketed, develop, financing and marketing plans and review them with a bank or lending institution.

S7.3-Sketch Plan Conference

1. General. A sketch plan conference between the applicant and the Planning Board is encouraged to discuss in general terms the subdivision proposal, determine the information to be required in the subdivision application, assist the applicant in complying with the requirements of the State Environmental quality Review Act (SEQRA) process and identify potential problems and concerns with the proposal. The sketch plan conference, while optional, is the only opportunity for the applicant to have the proposed subdivision determined a minor subdivision.
2. Scheduling. The sketch plan conference shall be scheduled and conducted by the Planning Board based on a request by the applicant, at a place and time established by the Planning Board and acceptable to the applicant. In scheduling and conducting the sketch plan conference, the Planning Board must observe the requirements for public notice, access and participation set out in the New York State Open Meetings Law.
3. Sketch Subdivision Plat. At the sketch plan conference, the applicant shall provide, at a minimum, a sketch subdivision plat. This sketch plat shall show, at a level of detail deemed appropriate by the Planning Board

- i. the subdivision name, tax map number, North arrow and date prepared, and
- ii. on a small inset map or diagram, the location of the parcel to be subdivided and its relationship to the surrounding area and public roads, and
- iii. existing features and conditions on or affecting the parcel to be subdivided, to include
 - (1) parcel boundaries.
 - (2) The location and ownership of contiguous properties.
 - (3) Adjacent roads.
 - (4) The location of any public utilities that will serve to lots to be created.
 - (5) Buildings, structures and other improvements.
 - (6) Watercourses, wetlands, steep slopes, outcroppings of bedrock, wooded areas, and other unique or significant physical features on or near the parcel.

Contours shall be noted in ten foot (10') increments.

- iv. the planned location of the following, as appropriate:
 - (1) lots and lot lines to be created, annotated with width, depth and acreage. The sketch plat shall note the total acreage of the subdivision and the total number of lots proposed.
 - (2) Building uses and types, annotated with approximate size and cost.
 - (3) Internal roads.
 - (4) Access to public roads.
 - (5) Open space, common use and buffer areas.
 - (6) Water distribution systems or individual well locations.
 - (7) Wastewater collection and treatment systems or individual leach field locations.
 - (8) Drainage improvements, including profiles and lines or ditches and planned drainage easements on adjoining properties.

(Note: The Town Assessor or the St. Lawrence County Real Property Tax Office have parcel maps that can usually be copied for a small fee that can be used as a base map for this purpose)

The applicant is encouraged to provide as much additional information about the project during the sketch plan conference as is possible, using the requirements for a final plat as set out in S10.3 of these Regulations as a guide.

4. Conduct. At the sketch plan conference, the Planning Board will review the sketch plat as it relates to the development policies and other land use regulations

of the Town, and the design standards and improvement requirements set out in these Regulations. The proposed subdivision will be classified as a minor or major subdivision by the Planning Board. An applicant that is proposing a subdivision that is classified by the Planning board as a minor subdivision at the sketch plan conference may proceed directly to the preparation of a final plat and shall not be required to submit a preliminary plat or comply with the other requirements applying to major subdivisions established in these Regulations. In such event, the date of the sketch plan conference will become the filing date.

S7.4-Filing of Subdivision Application

To apply for approval of a subdivision plat, an applicant shall complete the "Application for Subdivision Plat approval" form attached to this Law at Appendix "A" or its successor form (hereinafter, the "Application Form"), provide the additional information noted in S4.7 of these Regulations (hereinafter, the "Additional Information"), and attach, as appropriate, copies of a preliminary or final plat and supporting materials prepared in accordance with the requirements listed in this Law (the application form, additional information, and plat and supporting materials hereinafter collectively termed the "Subdivision Application"). An applicant proposing a major subdivision or any subdivision not discussed with the Planning Board at a sketch plan conference shall prepare a preliminary plat. An applicant whose subdivision has been determined to be a minor subdivision by the Planning board shall prepare a final plat. The subdivision application shall then be filed by the applicant is filed with a municipal officer shall be termed the "Filing Date." The municipal officer who receives the subdivision application shall forward it to the planning Board within five (5) days of the filing date and notify the Planning board of the filing date.

S7.5-Subdivision Application Information Requirements

The following additional information shall be required in addition to the completion of the "Application for subdivision Plat Approval" form. A completed subdivision application shall include all listed items unless submission of one or more of the items is specifically waived by the Planning board.

1. Initiation of SEQRA Review. The applicant shall prepare and file as part of the subdivision application the New York State Shore Environmental Assessment form, a copy of which is attached to this Law at Appendix "B", or its successor form, to allow the Planning board to determine the applicability of the State Environmental Quality Review Act (SEQRA). For "Type I" SEQRA actions, which are those that may have a significant effect on the environment, and all other actions not listed as "Type II" SEQRA actions ("Unlisted Actions"), the Planning board shall then initiate the review process required by SEQRA. Type

If actions are not subject to review under SEQRA. A list of "Type I" and "Type II" actions is at Appendix "C" of this Law. As this list may be amended after the enactment of this Law, it should not be deemed authoritative and current information as of the date of the filing of the subdivision application must be obtained.

2. Affidavit or Written Authorization of the Property Owner. If the person filing the subdivision application is the owner of the parcel that is to be subdivided, a notarized statement to that effect shall be filed. For non-owner applicants, a notarized written permission of the owner that references the proposed subdivision shall be filed.
3. Proof of Legal Ownership or Right. The applicant shall include a copy of the deed, land contract, or other recorded instrument showing legal ownership of the parcel to be subdivided, or the legal right to subdivide the parcel in the absence of ownership.
4. Restrictions and encumbrances. The applicant shall provide copies of all recorded easements, restrictions and encumbrances affecting the parcel to be subdivided. If the applicant intends to convey the lots to be created subject to any covenants, easements or other restrictions, a copy of same shall be provided, otherwise applicant shall include a notarized statement to the effect that the lots to be created will not be subject to any such covenants, easements or restrictions.
5. Tax Map. The applicant shall include the tax map that shows the parcel to be subdivided.
6. Agricultural Data Statement. Any application for subdivision approval that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed subdivision upon the functioning of farm operations within such agricultural district. Upon the receipt of such application by the Planning Board, the secretary of the Planning Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. The cost of mailing said notice will be borne by the applicant. An Agricultural data statement shall include the following information:
 - i) the name and address of the applicant.
 - ii) A description of the proposed subdivision and its location
 - iii) The name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred (500') feet of the boundary of the property upon which the subdivision is proposed.
 - iv) A tax map or other map showing the site of the proposed subdivision relative to the location of farm operations identified in the agricultural data statement.

S7.6-Determination of Complete Subdivision Application

1. **Complete Subdivision Applications.** The Planning Board shall determine that a subdivision application is complete and deemed to be filed on the date that it has received a properly executed application form, appropriate additional information, and appropriate preliminary or final plat and supporting materials. Following a determination that a complete subdivision application has been filed, the Planning board shall provide the applicant with a written notice that states the filing date and provides the applicant with additional information about the review and approval process.
2. **Incomplete Subdivision Applications;** Incomplete subdivision applications shall be returned to the applicant by the Planning Board and shall be accompanied by a letter that states the information needed in order to proceed with the review. In the event that the applicant chooses to proceed with the subdivision application and resubmit the required information, the date on which all resubmitted information is received by the Planning Board shall become the new filing date.

S7.7-Waiver of Certain Submission Requirements

In certain instances where a subdivision application would otherwise be returned to the applicant as incomplete, the Planning Board, consistent with good planning practices and at its discretion, may by majority vote waive one or more of the submission requirements listed in S7.6 of this Law, with the exception of any required preliminary or final plat.

S7.8-Referral to County Planning Board

Pursuant to Article 12, S239-n of the General Municipal Law of New York State; certain subdivision applications that meet specified jurisdictional requirements must be referred to the County Planning Board for review. The applicant will be notified in the event referral is required. The applicant should contact the County Planning Office for additional information on S239-n review.

ARTICLE VIII-SUBDIVISION REVIEW PROCEDURE

S8.1-Preliminary Plat Review

1. **Applicability.** A preliminary plat shall comprise part of the subdivision application for any subdivision that is not determined to be a minor subdivision by the Planning Board. For such subdivisions, the Planning board must grant approval, or grant approval contingent upon modifications, prior to the filing of a final plat.
2. **Compliance with SEQR.** The Planning Board shall comply with the provisions of the state Environmental Quality Review Act (SEQR) and its implementing regulations as set forth in 6NYCRR Part 617 prior to taking action on the preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time period for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
3. **Initiating the Review.** The review of a preliminary plat is initiated when the applicant has filed a complete subdivision application (see above) with the Planning board that includes a preliminary plat. The Planning Board, based on an examination of the subdivision application and at its discretion, may notify the applicant that the proposed subdivision has been determined to be a minor subdivision, and treat any such preliminary plat as a final plat from that point, thus exempting such a plat from the remaining provisions of this section.
4. **Planning Board Acting as Lead Agency under the State Environmental Quality Review Act.**
 - a. **Public Hearing on Preliminary Plats.** The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning board may schedule pursuant to the State Environmental Quality Review Act, as follows:
 - 1) **If EIS Not Required.** If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two (62) days after receipt of a complete preliminary plat by the clerk of the Planning Board; or
 - 2) **If EIS is Required.** If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion

of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two (62) days of filing the notice of completion.

- b. Public Hearing; Notice, Length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing, if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- c. Decision. The Planning board shall approve, with or without modification, or disapprove such preliminary plat as follows:
 - 1.) If EIS Not Required. If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required the Board shall make its decision within sixty-two (62) days after the close of the public hearing; or
 - 2.) If EIS Required. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forth-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forth-five (45) days following the close of the public hearing on the preliminary plat. Within thirty (30) days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.
- d. Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning board. When so approving a preliminary plat, the Planning Board shall

state in writing any modifications it deems necessary for submission of the plat in final form.

5. Planning Board Not as Lead Agency Under the State Environmental Quality Review Act; Public Hearing; Decision

- a. Public Hearing on Preliminary Plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the Planning Board shall hold the public hearing on the preliminary plat within sixty-two (62) days after the receipt of a complete preliminary plat by the clerk of the Planning Board.
- b. Public Hearing: Notice, Length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- c. Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat within sixty-two (62) days after the close of the public hearing on such preliminary plat.
- d. Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.

6. Actions Following Preliminary Plat Determination. The action of the Planning Board on the preliminary plat shall be noted on the three *3(copies of the preliminary plat and on the application form. In the event of approval contingent upon modifications, appropriate reference shall be made as to the modifications determined necessary. One (1) copy of the annotated preliminary plat and a copy of the application form shall be returned to the applicant within five (5) days of the date on which the determination was made, and the other two (2) copies of the preliminary plat retained by the Planning Board. One (1) Planning Board copy shall be filed in the office of the Town Clerk. If the Planning Board disapproved the preliminary plat, the return of the preliminary plat to the applicant will be accompanied by the Planning Board's reasons for disapproval, furnished in writing.

7. Effect of Approval of Preliminary Plat. The approval by the Planning Board of a preliminary plat does not constitute approval of the final plat, nor does it in any way bind or obligate the Planning Board to approve a final plat on a future plat. The preliminary plat shall be used by the applicant as a guide to the preparation of the final plat. Any preliminary plat granted approval contingent upon modifications shall not be filed as a final plat until the applicant has addressed all modifications in a manner satisfactory to the Planning Board.
8. Revocation of Approval of Preliminary Plat. Within six (6) months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six (6) months, approval of the preliminary plat may be revoked by the Planning Board.

S8.2-Final Plat Review

1. Applicability. All subdivisions shall require final plat approval by the Planning Board.
2. Initiation Following Preliminary Plat Approval. An applicant proposing a subdivision that has been previously reviewed and approved by the Planning Board as a preliminary plat shall, within six (6) months of the approval of the preliminary plat, update and resubmit the "Request for Subdivision Plat Approval" form that was returned by the Planning Board with the preliminary plat. The resubmitted form shall be accompanied by a final plat and supporting documentation, prepared in accordance with this Law, and an update of any information previously submitted that has in accordance with this Law, and an update of any information previously submitted that has changed. From this point there is no difference in the review process from a newly filed final plat. The date on which all required documents and information is received by the Planning Board shall become the "Final Plat Filing Date" for the purposes of these Regulations. In the event that the applicant takes no action to submit an approved preliminary plat in final form within the stated six (6) month, approval of the preliminary plat may be revoked at the discretion of the Planning Board.
3. Initiation if No Preliminary Plat submitted. The review of a final plat when there has been no previous approval of a preliminary plat is initiated when the applicant has filed a complete subdivision application with the Planning Board. In this instance, the filing date shall be deemed the final plat filing date.
4. Notification of Final Plat Filing Date. The applicant shall be furnished on his or her request, at any time after the final plat filing date, certification by the Town Clerk of the final plat filing date (hereinafter, "Certificate of Submission").

5. Compliance with SEQRA. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) and its implementing regulations as set forth in 6NYCRR Part 617 prior to taking action on the final plat. A final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time period for review of a final plat shall begin upon filing of such negative declaration or such notice of completion.
6. Optional Public Hearing. Following the review of the final plat and other information submitted by the applicant but in no event later than sixty-two (62) days dating from the final plat filing date, the Planning Board, at its discretion, may schedule a public hearing. If a public hearing is to be held, the applicant shall receive written notice to be mailed no later than ten (10) days prior to the date of the public hearing. The public hearing shall be advertised at least once in a newspaper of general circulation in the Town no later than five (5) days before the public hearing. Written notice of the public hearing shall be mailed by the Planning Board to the owners of all property adjacent to the parcel to be subdivided and any other property located within one hundred fifty (150) feet of the parcel no later than five (5) days before the hearing.
7. SEQRA. The public hearing may also be used to meet the requirements of the State Environmental Quality Review Act.

ARTICLE IX-ACTION ON FINAL PLAT

S9.1-Planning Board Determination

1. Final Plats Which are in Substantial Agreement with approved Preliminary Plats. When a final plat is submitted which the Planning board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the clerk of the Planning Board.
2. Final Plats When No Preliminary Plat is Required to be Submitted; Receipt of Complete Final Plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
3. Final Plats; Not in Substantial Agreement with Approved Preliminary Plats, or When No Preliminary Plat is Required to be Submitted. When a final plat is submitted which the Planning Board deems not to be substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

a.)Planning Board as Lead Agency; Public Hearing; Notice; Decision.

- 1.) Public Hearing on Final Plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality review act, as follows:

a.) If EIS Not Required. If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within sixty-two (62)

days after the receipt of a complete final plat by the clerk of the Planning Board; or

- b.) If EIS is Required. If the Planning board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within sixty-two (62) days following filing of the notice of completion.

2.) Public Hearing; Notice, Length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

3.) Decision. The Planning board shall make its decision on the final plat as follows:

- a.) If EIS is Required. If the Planning board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing; or
- b.) If EIS is Requires. If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be

filed within forth-five (45) days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing on the final plat. Within thirty (30) days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

- 4.) Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

b. Planning Board Not as Lead agency; Public Hearing; Notice, Decision.

- 1.) Public Hearing. The Planning board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the Planning board shall hold the public hearing on the final plat within sixty-two (62) days after the receipt of a complete final plat by the clerk of the Planning board.
- 2.) Public Hearing; Notice, Length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- 3.) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within sixty-two (62) days after the

close of the public hearing on such final plat. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

S9.2-Form of Approval; Recordation

The action of the Planning Board in approving a final plat shall be done by resolution stating such approval. Each final plat will have the words "Approved-Town of Lawrence" stamped prominently on it with the stamped name and title of the Secretary of the Planning Board stamped underneath. The Secretary of the Planning board shall sign and date with the date of approval. The original final plat shall be returned to the applicant, which must then be recorded among the land records of the County to retain its approved status. Recordation of an approved final plat must occur within sixty-two (62) days after the date of approval as noted on the plat; otherwise, the approval of the final plat shall be considered null and void. In such event, the applicant must resubmit a new final plat to the Planning Board for approval. The two copies of the approved final plat, along with the application form and all supporting materials, shall be retained among the records of the Planning Board. The Enforcement Officer shall also be notified of the approval.

S9.3-Approval Contingent upon Modifications

- 1.) General. The action of the Planning Board in approving a final plat contingent on modifications shall be done by resolution and shall be communicated in writing to the applicant, with the nature of the necessary modifications outlined and explained. The applicant shall have sixty-two (62) days to address all required modifications in a manner satisfactory to the Planning Board.
- 2.) Modifications to Final Plat. If the modifications require a change to the final plat itself, a copy of the final plat noting the needed changes shall be returned to the applicant. The remaining final plats shall also be noted with the needed changes and retained by the Planning Board. The applicant must incorporate changes deemed acceptable by the Planning Board into a new original final plat, which shall be termed an "Amended Final Plat" and so titled. The original amended final plat shall then be resubmitted with two machine reproduced copies.
- 3.) Modifications to Supporting Materials. If the modifications require a change to supporting documentation or materials, the specific item will be noted with the change and returned to the applicant, with a copy retained by the Planning Board. The applicant must incorporate changes deemed acceptable by the Planning department and resubmit the item.

- 4.) Planning Board Action Following Modifications. The Planning Board, after the making of acceptable modifications by the applicant, will approve the final plat as set out in this Article, with the modified plat or items replacing those deemed unacceptable.
- 5.) Failure to Modify. In the event the applicant is not willing to make acceptable modifications, or does not act within sixty-two (62) days to do so, the Planning Board may act at any time after the sixty-two (62) days have elapsed to disapprove the final plat as set out in this Article.
- 6.) Extension of Time to Make Modifications. The Planning Board, in its discretion, can grant additional time to an applicant for the purpose of making modifications, but any failure or delay of the Planning Board to disapprove such a final plat after the sixty-two (62) days have elapsed shall not constitute a bar to or limitation on its ability to act on any later date.

S9.4-Approval Subject to Conditions.

- 1.) General. The action of the Planning Board in approving a final plat subject to conditions shall be done by resolution that authorizes the Secretary of the Planning board to approve the final plat at such time as the applicant has complied with the conditions established. Conditional approval of a final plat shall be communicated within five (5) days of the determination by certified mail to the applicant, with the certified statement of the nature of the conditions, and the actions that must be taken by the applicant, outlined and explained. The applicant shall have one hundred-eighty (180) days to from the date of the resolution to address all conditions in a manner satisfactory to the Planning Board.
- 2.) Planning Board Action Following Compliance with Conditions. The Planning Board, following acceptable compliance by the applicant with the conditions established, will approve the final plat as set out in this Article.
- 3.) Failure to Comply with Conditions. In the event the applicant is not willing to comply in an acceptable manner with the conditions established, or does not act within 180 days to do so, the Planning Board may act at any time after the 180 days have elapsed to disapprove the final plat as set out in this Article.
- 4.) Extension of Time for Compliance. The Planning Board, in its discretion, can grant up to 180 additional days in the form of two 90 day extensions for an applicant to comply with

conditions, if, in its opinion, such extension is warranted by the particular circumstances involved.

S9.5-Approval of a Plat in Sections

Prior to approving a final plat, the Planning Board may permit the final plat to be subdivided into two (2) or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before such sections may be signed by the Secretary of the Planning Board. Conditional or final approval of any sections of a final plat shall be granted concurrently with conditional or final approval of the plat.

S9.6-Disapproval of a Plat

The action of the Planning Board in disapproving a final plat shall be done by resolution. The Planning Board shall file with the Town Clerk a written statement of the decision containing the reasons for the disapproval signed by the Chair of the Planning board. Copies of the written statement of disapproval shall be provided to the applicant and the Enforcement Officer.

S9.7-Approval by Operation of Law

If any time the Planning Board does not take action within the prescribed time, the applicant may assume approval of that stage of the process. In the event the Planning Board does not take action within the prescribed time on the final plat, the applicant may take a copy of the certificate of submission and the final plat as submitted and file them among the land records of the County.

S9.8-Extension of Time for Determination on Final Plat

The time period during which the Planning board must render its determination on the final plat can be extended by the mutual consent of the applicant and the Planning Board.

S9.9-Amendments to an Approved Final Plat

Submission and review of any amendment to an approved final plat shall be acted upon in the same manner as the original application.

S9.10-Transferability of Final Plat Approval

A approved final plat that has not been recorded among the land records of the County shall be transferable upon the sale or transfer of the property that is to be subdivided on the provision of notice to the Planning Board by the new owner within thirty (30) days of the date the property is sold. The notice shall include the following:

- i) The new owner shall affirm to the Planning Board the intention to construct all improvements in accordance with the approved final plat.
- ii) The new owner shall affirm to the Planning Board compliance with all conditions established by the Planning Board in connection with the approval of the final plat.

The Planning Board may revoke, without requirement of notice to the new owner, the final plat approval in the event that the new owner does not strictly comply with the provisions of this section.

S9.11-Approval by State Department of Health

The New York State Department of Health must grant a separate approval for any subdivision where five (5) or more lots greater than five (5) acres in size are created in any three-year-period. The applicant contemplating such a subdivision proposal should contact with the New York State Department of Health, District Office for additional information and assistance with this requirement.

ARTICLE X-PREPARATION OF PLATS

S10.1-All Plats

All plats submitted to the Planning board for any purpose under these Regulations shall be prepared and submitted in accordance with the following:

- 1.) Scale. Plats shall be drawn to the scale of one (1) inch to one hundred (100) feet, unless otherwise specified by the Planning Board.
- 2.) Parcel and Lot Information. Plats shall note the recordation information, given as owner, deed book and page number, of the parcel to be subdivided, all adjacent parcels, and any easement on or encumbering the parcel to be subdivided. The plat will show each lot to be created with boundary lines originating from a readily identifiable surveyed point and annotated between all points with feet and inches, the radii, length and central angle of any curves, location and type of stakes or monuments, and other customary information produced when the lot is surveyed. The Plat shall designate each lot to be created with a number, the first lot commencing with the number "1" and proceeding through all lots in a reasonable sequence with the final lot having a number equal to the number of lots to be created (e.g. a three lot subdivision will be comprised of Lot #1, Lot #2, Lot #3). The lot designation will be annotated in the approximate center of the lot area on the plat, with the calculated acreage of the lot annotated immediately below. The plat shall note any lot that is to be retained or dedicated for public use or access, and the type of use or access that is contemplated. The plat shall not any lot that is to be recorded as dedicated open space.
- 3.) Easement Information. Any easement in existence at the time of the preparation of the plat shall be noted on the plat as to location, type, and recordation information given as owner, deed book and page number.
- 4.) Road Improvements. Plats shall include surveyed information pertaining to any existing or proposed road improvements or dedicated rights-of-way on the parcel being subdivided. Tangent bearings shall be provided for all internal roads. Lots to be retained for future road expansion shall be annotated as such.
- 5.) Wetlands. The boundary of all federal jurisdictional wetlands and wetlands designated by the New York State Department of Environmental Conservation, to include a one hundred foot (100') buffer strip located in non-wetland area adjacent to any such boundary, shall be shown on the plat, and the wetland and buffer areas shall be clearly annotated as such on each lot containing these areas.
- 6.) Access Information. All points of existing or proposed driveway access to internal roads and public roads shall be noted on the plat.
- 7.) Other Required Information. Plats shall include the subdivision name, name, address and telephone number of the parcel owner (and of the

applicant, if different, tax map number, location inset, north arrow, name, address and title of the person preparing the plat, customary surveyor's certification, and date prepared.

8.) Preparation.

i) Preliminary Plats. Three (3) preliminary plats, which may be any combination of original and machine reproduced copies, shall be prepared and certified by a licensed surveyor in such form and drawn in ink on such materials as is sufficient to provide for their use for the purposes established in these Regulations. Each copy shall be clearly labeled with the words "Preliminary Plat" and bear the notation "This plat is a preliminary plat and has not been approved in final form by the Town of Lawrence. Any recordation of this plat is not authorized, and shall be ineffective to convey or transfer any lot shown hereon, or for any other purpose."

ii) Final Plats. One (1) original final plat shall be prepared and certified by a licensed surveyor in such form and drawn in ink on such materials as is sufficient to cause it to be deemed acceptable for recordation by the County clerk. Two (2) additional machine reproduced copies of the original shall be submitted with the original.

S10.2-Preliminary Plats

The following shall be submitted:

- i) completed application and supporting information as set out in these Regulations
- ii) three (3) copies of the plat.
- iii) Information concerning existing features and conditions on or affecting the parcel to be subdivided, to include:
 - 1.) buildings, structures and other improvements.
 - 2.) Watercourses, wetlands, steep slopes, outcroppings of bedrock, wooded areas, and other unique or significant physical features on or near the parcel.
- iv) description of all parcels of land proposed to be dedicated to public use and the conditions of such use.
- v) Grading and landscaping plans.
- vi) General plans showing locations of and design and specification information about sidewalks, road lighting, signage, water mains, sanitary sewers and storm drains, above-and below-ground utilities, and other similar improvements.
- vii) Preliminary plans, designs and specifications for any roads, bridges, culverts, drainage-ways and other surface drainage improvements.
- viii) Any additional information deemed necessary by the Planning Board.
- ix) Any required fees.

S10.3-Final Plats

1.) Minor Subdivisions.

The following shall be submitted:

- i) completed application and supporting information as set out in these Regulations
- ii) one (1) original and two (2) copies of the plat.
- iii) Any additional information deemed necessary by the Planning Board.
- iv) Any required fees.

2.) All Other Plats.

The following shall be submitted:

- i) updated application and supporting information.
- ii) One (1) original and two (2) copies of the plat. In addition to the general form requirements established in this Article, the plat shall provide a table of the lots to be created, along with their acreage, road frontage and proposed use.
- iii) Any deeds, declarations, covenants, easements and other agreements governing the offer, cession, dedication construction or maintenance of public areas, public improvements, other private improvements and undertakings, to include all boundary monuments and markers to such specifications as are established by the Planning Board, and open space. All such documents shall bear the certification of the Town attorney, or of an attorney otherwise satisfactory to the Town, as to their sufficiency in accomplishing the purpose or purposes intended. Any agreement concerning conditions or requirements established by the Planning board in connection with approval of the subdivision plat must also be submitted and bear the noted certification.
- iv) Evidence of approval, or pending approval, from the New York State Health Department of any installed or proposed public or private water supply system for which such approval is required.
- v) Evidence of approval, or pending approval, of any environmental impact statement or other submission under SEQRA for which approval is required.

- vi) Evidence of issuance, or pending issuance, of any permit that is required in connection with the subdivision.
- vii) Evidence, satisfactory in substance and form to the Planning Board, that all federal jurisdictional wetlands and wetlands designated by the New York State Department of Environmental Conservation, to include a one hundred foot (100') buffer area outside of the wetland boundary, that are located on the parcel to be subdivided, have been identified by the applicant and that the applicant has taken appropriate steps to cause such areas to be protected from unlawful activities or other adverse impact.
- viii) All construction drawings and specifications, in final form, to include, as required, plans, profiles and typical cross-sections, showing surveyed locations, size and type of roads, sidewalks, road lighting standards, landscaping, curbs, water mains or wells, sanitary sewer or septic systems, storm drains or ditches and other improvements and facilities.
- ix) All covenants and restrictions, stated in the form in which they will appear in the deed of conveyance, that will encumber any of the lots to be created.
- x) Any easement, declaration or other instrument of a general nature that is to be separately recorded as an encumbrance on any of the lots to be created.
- xi) Any performance bond deemed necessary by the Planning Board to require the construction, installation or maintenance of improvements to the subdivision in a satisfactory manner, as set out in these Regulations.
- xii) Any agreements, certificates, affidavits, endorsements or other agreements as may be required by the Planning Board to enable enforcement of the foregoing.
- xiii) Any additional information deemed necessary by the Planning Board.
- xiv) Any required fees.

ARTICLE XI-SUBDIVISION DESIGN CRITERIA

S11.1-Road Design

1. **Conformity with General Development Policy.** The arrangement, width, location and extent of subdivision roads should conform to and be in harmony with the general development policies of the town. Roads not specifically provided for in such policies should conform to the recommendation of the Planning board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning board for an advisory opinion before the approval of any new internal road.
2. **Planning and Design.** Internal roads shall be designed to discourage through traffic with origin and destination points that are not located within the proposed subdivision.
3. **Location.** When a proposed subdivision is adjacent to or contains a State or County highway, the Planning Board may seek information from the New York State Department of Transportation or County Planning Office as to the potential for adverse impacts on highway safety and function. The Planning Board may establish a requirement for internal roads when, in its judgment, use of such roads would promote a greater degree of safety or preserve public highway function. The Planning Board will generally require that lots paralleling a public road be provided access from an internal road that in turn creates a single access point onto the public road. The Planning Board will also generally require that an internal road be built in order to avoid creation of "flag" lots.
4. **Intersections.** Roads shall intersect one another at angles as near to right angle as possible, and no intersection of roads at angles less than eighty (80) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

5. Dead-End Roads; Cul-de-sacs. All dead end roads and cul-de-sacs shall be provided with a turnaround deemed sufficient by the Town Highway superintendent for snowplowing and turn around by emergency vehicles.
6. Single-Lane Roads. Construction of single-lane roads shall be prohibited.
7. Access. In commercial and industrial subdivisions, definite and assured provision shall be made for service access, such as off-road parking, loading and unloading, consistent with an adequate for the uses proposed.
8. Road Names and Numbers. Names of new roads shall not duplicate existing or platted roads in the Town or in any town adjacent to the Town. New roads that constitute the extension of an alignment of an existing road shall bear the name of the existing road. House numbers shall be assigned in accordance with present efforts by the County Real Property Tax Office to establish a County-wide house numbering system.
9. Signage. The applicant shall provide and erect road signs of a type to be approved by the Planning Board, in consultation with the Town Board and Town Highway Superintendent, at all road intersections prior to acceptance of the dedication of any road.
10. Landscaping. Landscaping will be located outside of any road right-of-way and planted in such a manner as not to impair visibility at any corner.
11. Design Standards. Standards for road design are as follows:

Standard	Local Road	Secondary Road
Minimum width or right-Of-way (feet)	50'	65'
Minimum width of Pavement (feet)	18'	18'
Minimum width of Shoulders (feet)	5'	6'
Minimum radius of Horizontal curves (feet)	250' except for road intersection corners	400'
Minimum length of Vertical curves (feet)	Shall be such that at least a 200-foot line of Sight exists measured	300'

	3 feet above road surface	
Minimum length of tangents Between reverse curves (feet)	100', except where excessive grades may be Reduced to reasonable Grades by shortening Tangent	200'
Maximum grade (percent)	10%	6% to 8%
Minimum grade (percent)	1%	1%
Minimum braking Sight distance (feet)	400'	500'

Construction of any road in accordance with the foregoing design standards does not create any duty of the Town of accept its dedication.

S11.2-Road Construction

1. Construction at Applicant's Expense. Road improvements, including curbing, shall be installed at applicant's expense.
2. Construction Standards. Roads shall be constructed in accordance with customary construction practices, and shall include the following courses:
 - i) sub-grade base, which shall be rough-graded the full width of the road right-of-way and compacted the full width between the outer edges of the curbs and gutter. The sub-grade base shall consist of a suitable gravel and stone material approved by the Town Highway Superintendent and compacted to a depth approved by the same.
 - ii) Base course, consisting of a suitable gravel and stone material approved by the Town Highway Superintendent at least six (6) inches in depth after compaction and stabilization.
 - iii) Surface course, consisting of an approved bituminous material
 - iv) Finish course, consisting of an approved bituminous material to be laid one (1) year after the surface course.

Construction of any road in accordance with the foregoing construction standards does not create any duty of the Town to accept its dedication.

S11.3-Utilities

Public utility improvements may be required at the discretion of the Planning Board and shall be installed as follows:

1. Fire Protection. Hydrants, where required, are to be of a size, type and location specified by the National Board of Fire Underwriters, American Insurance Association.
2. Street-lighting. Poles, brackets and lights, where required, are to be of a size, type and location acceptable to the Planning Board in consultation with the Town Board and Town Highway Superintendent, and to the power company serving the Town.
3. Power Lines. Power lines shall be placed underground and shall be approved by the power company serving the Town.
4. Other Utilities. Other utility services shall be placed underground to the greatest extent possible and shall meet industry standards.

S11.4-Lots

1. Dimensions. Lot size, width, depth, shape and area shall comply with the following:
 - i) Lots will have their longest aspect (depth) as close to perpendicular from the road fronted on as is practical
 - ii) Lots will have a minimum road frontage on internal roads of 100'
 - iii) Lots that have access only to public roads will have a minimum road frontage of 200'.
 - iv) Lots that are triangular in shape and are under five (5) acres in size will not be permitted.
 - v) Lots with off shapes or corners that could reasonably be held to give rise at a later date to a claim of nonconformity or variance will not be permitted.
2. Double Frontage Lots. Lots that front on two (2) roads other than corner lots will need to have a minimum road frontage on each road.
3. "Landlocked" Lots. Landlocked lots will not be permitted.
4. Inaccessible Lots. Lots that, due to steep slope, rock, wetland, or the presence of some other physical condition, do not have a reasonable access point from the road fronted on will not be allowed.
5. Poorly Drained Lots. Lots located in areas that are not served by community wastewater systems that do not have at least two locations at least 200' apart that will pass a customary percolation ("perc") test will not be allowed.
6. Setbacks. Lots that do not, in the judgment of the Planning Board, allow for a reasonable setback of the primary building or structure to be located on the lot from the road will not be allowed.
7. Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, the dedication of perpetual

unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, the Planning board may require the construction by the applicant of sidewalks on such easements.

S11.5-Unique Physical and Natural Features

Unique physical and natural features, such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours, large trees, and similar features, shall be preserved where possible.

S 11.6-Site Disturbance and Grading

All areas to be disturbed must be graded and restored within six (6) months. Topsoil moved during construction shall be returned and stabilized by approved methods. Damage to trees should be avoided.

S11.7-Open Space; Parks, Payments in Lieu; Reservation of Areas.

Consideration shall be given to the allocation of areas suitably located for open space and public parks and, where deemed appropriate, shall be made available by one (1) of the following methods:

- i) dedication to the town, or
- ii) reservation of land for the use of property owners by deed or covenant.

In the event that the Planning Board determines that a suitable park or a park of adequate size cannot be properly located in the plat or that park development would not otherwise be practical, the Planning Board may require as a condition of approval of the final plat a payment to the Town of a sum to be determined by the Town Board, which sum shall constitute funds to be held in trust and used by the Town exclusively for neighborhood park, playground or recreational purposes, to include the acquisition of property.

The Planning Board may require the reservation of such areas in a subdivision that are of a character, extent and location particularly suited to the needs of the Town, such as water and sewage treatment plant sites and for other community purposes.

S11.8-Land Unsuitable for Development as a Subdivision

In order to provide for the protection of the health and welfare of the people of the Town, land which is found to be unsuitable for subdivision due to adverse or unsafe conditions or features, or due to its sensitive environmental character, shall not be subdivided unless adequate safeguards are formulated by the applicant and are approved by the Planning Board.

ARTICLE XII-FEES

S12.1-Fees

The Town board may, from time to time and by resolution, establish a schedule of basic fees. The Planning Board may, in its discretion, charge and receive such extraordinary fees as are determined necessary to undertake and conduct the review of any application. The Planning board shall not deem an application to be complete until the fee established for the review of the application has been received. The setting of an extraordinary fee amount by the Planning Board shall not be deemed to preclude the Planning Board from assessing additional amounts when the cost of the review process exceeds the amount of the fee originally assessed. The Planning board may, in its discretion, allow direct payment by the applicant of costs and charges to any business, agent or contractor of the Planning Board shall refund all of any portion of any extraordinary fee that is collected but not spent in connection with the review within thirty (30) days of the completion of the review or of the termination of the review for any reason. At the request of any applicant, the Planning Board shall render a statement documenting the expenditure of any extraordinary fee charged.

PART E
ADMINISTRATION AND MISCELLANEOUS

ARTICLE XIII-ADMINISTRATION

S13.1-Planning Board

1. Planning Board Established. There is hereby created a Town of Lawrence Planning Board (the "Planning Board") pursuant to S271 of New York State Town Law.
2. Composition. The Planning Board shall consist of five (5) members, all of whom shall reside in the Town at the time of their respective appointments and during their terms of office.
3. Appointment of Members and Terms of Office. Appointment of Planning Board members shall be made by the Town Board. The terms of the initial appointments shall be as follows: one member to serve a one (1) year term, one member to serve a two (2) year term, one member to serve a three (3) year term, one member to serve a four (4) year term and one member to serve a five (5) year term. All members appointed or reappointed thereafter following on the expiration of the term of an initial member shall be appointed for a term of five (5) years. Reappointment of a member shall be at the discretion to the Town Board.
4. Vacancies. In the event of a vacancy arising during the term of office of any member for any reason, such vacancy shall be filled by appointment of a new member who shall serve the balance of the term vacated.
5. Selection and responsibilities of Chair, Vice-Chair and Secretary. The Planning board, at its initial meeting, shall, by a majority vote, select a Chair, Vice-Chair and Secretary. The Chair shall preside at all meetings of the Planning Board and shall take such actions on behalf of the Planning Board as are authorized by the vote of its members. The Vice-Chair shall act for the chair at such times as the Chair is unavailable. The Secretary shall be responsible for preparing the agenda and minutes of the meetings of the Planning Board, shall receive all correspondence and other communications directed to the Planning Board, and shall prepare all correspondence, reports and other documents on behalf of the Planning Board as are authorized by the vote of its members.
6. Meetings: Quorum; Votes. The Planning Board shall meet at such times of its choosing, but shall schedule a regular meeting during which all matters before it may be considered at least quarterly during the year, in accordance with the requirements for public notice, access and participation established in the New York State Public Officers Law, Article 7 (the "Open Meetings Law"). All proceedings of the Planning Board shall be recorded by the Secretary and,

unless otherwise provided for by law, be a matter of public record. A quorum of the membership of the Planning Board shall be obtained for any purpose of the Planning Board when at least three (3) of the members are present. The Planning Board may not act in any manner or for any purpose in the absence of a quorum of its membership. Votes of the Planning Board shall be taken following a recorded motion and second from the membership, and shall be recorded as to ayes and-nays. A majority of the membership of the Planning Board shall constitute the "majority vote" of the Planning Board required for all purposes under this Law.

S13.2-Powers and Authorities of Planning Board

The Planning Board established pursuant to S13.1 of this Law is hereby authorized to receive applications for all site plan and subdivision reviews as required under this Law. On making the determination provided for that such applications are complete, the Planning Board is authorized to review them in accordance with the provisions of this Law and to make the findings provided for therein; to wit: the Planning Board is authorized by majority vote, at its discretion, to

- i) approve the application; or
- ii) approve the application with modifications or conditions, or both; or
- iii) disapprove the application

The Planning board is further authorized, at its discretion, to require, receive and consider reports, testimony, and other evidence during its proceedings, and to make such additional inquire as it deems necessary into any matter relevant to the making of its determination on a site plan application properly before it.

In the event that the Planning Board determines that modifications or conditions are necessary in approving a site plan, it is hereby authorized to require or impose such reasonable modifications and conditions as, in its discretion, are necessary to adequately safeguard the public health and safety, or are needed to provide for and safeguard the welfare and quality of life of adjacent landowners and of the residents of the Town.

The Planning Board is authorized to adopt any additional rules and regulations that it deems necessary for the efficient administration of this Law, subject to the approval of the Town Board.

The Planning Board may also require the posting of a bond or other similar performance guarantee to ensure compliance with a site plan proposal and with any conditions established for approval and to cover any Town costs involved in the development.

Waiver of Conditions. The Town Planning Board may, in the event of practical difficulties or unnecessary hardship related to the physical location proposed for improvement, reduce or waive any requirements for approval or approval with modifications of site plans or subdivisions submitted pursuant to this Local Law. Any

such waiver or reduction shall be applicable only to the particular site and not to the situation of the applicant. The Planning board shall make specific, written findings, and may exercise this authority only where such requirements are found not to be necessary to protect the public health, safety or general welfare.

As required under SEQRA, the Planning board is authorized to act as the lead agency for the purpose of reviewing a proposed site plan or subdivision pursuant to that law.

Once a site plan or subdivision has been approved, the Planning Board may act on the request of any person, or on its own initiative, to suspend or, at its discretion, revoke such site plan or subdivision approval when work or other compliance with the approved site plan subdivision plat is not accomplished as required. The Planning Board is also authorized to recommend to the Town board, in such instance and as appropriate, that any building permit or other approval that has been granted be likewise suspended or revoked.

S13.3-Enforcement Officer

1. Position Created. There is hereby created the appointive office of Enforcement Officer for the Town of Lawrence.
2. Appointment. The enforcement Officer for the Town shall be appointed by the Town Supervisor with the approval of the Town Board. The Enforcement officer shall serve at the pleasure of the Town Board.
3. Powers and Duties. The Enforcement officer shall carry out all the functions identified in this Law and be responsible for the overall inspection of site improvements to ensure compliance with approved site plans and subdivision plats.

S13.4-Issuance of Building Permit Conditioned

No building permit shall be issued by any official or employee of the Town for any project that requires site plan review or subdivision approval under this Law unless all approvals are on file with the Town Clerk or, for a subdivision, the County clerk. Any building permit issued in contravention of this provision, or that is issued in error, or that is issued based upon any misrepresentation of the applicant, whether intentional or unintentional, shall not be deemed to confer any right of any sort upon the person that the permit is issued to, nor shall it be deemed to deny or restrict any right or ability of the Town to take any action of any sort against such person and the building, structure or property that is the subject of the building permit.

S13.5-Appeals Procedure

Any person aggrieved by any decision of the Planning board or by the action of any officer of the Town with respect to the provisions of this Law may apply to the Supreme court for a review of the decision by a proceeding brought under Article 78 of

the civil Practice Law and Rules. Such proceeding must be brought within thirty (30) days of the date of the filing of a final decision rendered pursuant to this Law in the Office of the Town Clerk.

S13.6-Violations and Enforcement

Any person, corporation, partnership, association or other legal entity who violates any of the provisions of this Law, or any condition or conditions imposed under a subdivision or site plan approval or subsequent permit granted pursuant to this Law shall be guilty of an offense against the Town of Lawrence and be 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. Each week of said offense, if continuous, shall constitute a separate offense.

In case of any violation or threatened violation of any of the provisions of this Law, or conditions imposed under an approved site plan or subdivision, the Town may institute any appropriate action or proceeding to prevent or enjoin the unlawful activity deemed to give rise to the violation; i.e. to restrain, correct, or abate such activity, or to prevent occupancy of any building, structure or land involved in such activity, or to prevent any illegal act, conduct, business or use that constitutes all, or part, of any such activity.

The Planning board may act to suspend or revoke any approved site plan or subdivision as to improvements that remain uncompleted in the event of any deviation or discrepancy from the terms and conditions of the approved site plan or subdivision.

No building permit, certificate of occupancy or other authorization of use shall be granted until all improvements shown on an approved site plan or subdivision or agreed upon as conditions to an approved site plan or subdivision are installed or a performance guarantee deemed sufficient by the Planning Board has been posted for such improvement not completed and a timetable approved by the Planning Board for such completion has been established and agreed to by the applicant.

Any permit or approval granted based upon a site plan or subdivision approved pursuant to this Law shall be void if the site plan or subdivision was approved in reliance upon any material misrepresentation or failure to make a material fact or circumstances known, whether by or on behalf of an applicant.

ARTICLE XIV-MISCELLANEOUS PROVISIONS

S14.1-Effective date

This Law shall take effect immediately upon filing with the Secretary of State. The date upon which this filing is made shall be deemed the "Effective Date."

S14.2-Severability

If any article, section, paragraph or provision of this Law shall be deemed invalid by any authority of competent jurisdiction, such determination shall apply only to the article, section, paragraph or provision adjudged invalid and the rest of this Law shall continue valid, effective and in force.

S14.3-Provision of Notice Deemed to have Occurred

Unless otherwise specifically provided herein, any notice, letter or other written communication furnished to an applicant under any provision of this Law shall be deemed furnished by an applicant under any provision of this Law shall be deemed furnished on the date that it is actually received by the person or entity specified in such provision.

S14.4-Headings for Convenience

The underlined heading of any section or provision of this Law is for the convenience of the reader and shall not be construed as part of the respective section or provision in the interpretation of same.

S14.5-Excavation of Soil Following Approval of Site Plan

Unless a permit for commercial excavation has been granted, no applicant, after obtaining an approved site plan under this Law, shall, in connection with the development of the property that is the subject of the site plan, strip, excavate or otherwise remove topsoil for sale or for use on premises other than those from which the topsoil is take.

Town of Lawrence
11403 US Hgwy 11
No. Lawrence, N.Y. 12967
Tele # 315-389-4487
Fax # 315-389-4488
e-mail-lawrence_clerk@nnymail.com

APPLICATION FOR SITE PLAN REVIEW

Site Plan Review # _____ Date _____

Applicant Name _____
Address _____

Telephone # _____

Property Owner (if different) _____

Attachments Required:

SEQRA Review (New York State Short Environmental Assessment Form)

Affadavit or Notorized Written Authorization of Property Owner if Applicant is different from Owner.

Site Plan location map showing : lot dimensions, North Arrow, Adjacent properties, physical features & proposed changes to physical changes (slopes, water courses, drainage, vegetation), location and dimensions of buildings, proposed outdoor storage and display areas, layout of access, parking, outdoor lighting, signs, internal roads, driveways, proposed screening, set-backs and other buffer areas, location of water and sewer systems, proposed solid waste and/or hazardous waste areas, easements and public rights of way.

Location of Site (Road name and estimated distance from nearest intersection)

Tax Map # _____ Total Area (Acres) _____

Describe proposed buildings, structures and/or uses of site:

List the uses on surrounding properties:

List attachments to this application:

Owner's Signature _____ Date _____

Site Plan Approved _____ Date _____

Site Plan Denied _____ Date _____

Reason for Denial _____

Code Enforcement Officer, David Burl
Home Phone #-315-842-7157, Office-315-389-4487

Town of Lawrence
11403 US Hgwy 11
No. Lawrence, N.Y. 12967
Tele # 315-389-4487
Fax # 315-389-4488
e-mail-lawrence_clerk@nnymail.com

APPLICATION FOR SUBDIVISION PLAT REVIEW

Subdivision No. _____ Date _____

Property Owner: _____
Address _____

Telephone # _____

Location of Property: (road name and estimated from nearest intersection) _____

Tax Map Number _____
Total area of Parent Parcel (acres) _____

Affadavit or Notorized Written Authorization of Property Owner if Applicant is different from Owner. Site Plan location map showing: lot dimensions, North Arrow, Adjacent properties, physical features & proposed changes to physical changes (slopes, water courses, drainage, vegetation,) of all parcels being divided.

Describe the number of lots, acreage, and purpose of the proposed subdivision _____

List the uses on surrounding properties:

List attachments to this application (See Section 9 of the regulations)

Property Owner's Signature _____

Subdivision Approved _____ Date _____

Subdivision Denied _____ Date _____

Reason for _____

Denial _____

David Burl, Code Enforcement Officer
Home Phone #-315-842-7157 Office-315-389-4487

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM.

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____ Date: _____	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

* A Conditioned Negative Declaration is only valid for Unlisted Actions

 Name of Action

 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)

 Date

APPENDIX D

617.4 TYPE I ACTIONS.

- (a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.
- (1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c) of this Part.
 - (2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.
- (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:
- (1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;
 - (2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
 - (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
 - (4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
 - (5) construction of new residential units that meet or exceed the following thresholds:
 - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
 - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iii) in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

- (35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

6

APPENDIX D

617.4 TYPE I ACTIONS.

- (a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. All agencies are subject to this Type I list.
- (1) This Type I list is not exhaustive of those actions that an agency determines may have a significant adverse impact on the environment and require the preparation of an EIS. However, the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS. For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in subdivision 617.7(c) of this Part.
 - (2) Agencies may adopt their own lists of additional Type I actions, may adjust the thresholds to make them more inclusive, and may continue to use previously adopted lists of Type I actions to complement those contained in this section. Designation of a Type I action by one involved agency requires coordinated review by all involved agencies. An agency may not designate as Type I any action identified as Type II in section 617.5 of this Part.
- (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:
- (1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;
 - (2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
 - (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
 - (4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
 - (5) construction of new residential units that meet or exceed the following thresholds:
 - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
 - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
 - (iii) in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to public

- other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;
- (32) designation of local landmarks or their inclusion within historic districts;
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (34) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact

statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;

- (35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.