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New York State Department of State

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STATE RECORDS

Town of Lisbon

FEB 14 2012

Local Law No. 1 of the year 2012

DEPARTMENT OF STATE

A Local Law Site Plan Review

Be it enacted by the Town Board of the Town of Lisbon as follows:

ARTICLE 1 - GENERAL PROVISIONS

SECTION 1. TITLE AND LEGISLATIVE AUTHORITY.

This Local Law shall be known as the Town of Lisbon Site Plan Review and is adopted pursuant to Article II, Section 10.1a.9(a)(11) and (12) of the New York State Municipal Home Rule Law and Sections 282 and 274a of the New York State Town Law.

SECTION 2. PURPOSE.

The purposes of this Local Law are to:

- A. Provide for planned growth and development of residential, commercial, recreational, institutional and industrial uses of the land consistent with the economic and social needs of the community.
- B. Preserve the character of the Town.
- C. Promote the health, safety and general welfare of the Town, consistent with objectives set forth in the Town of Lisbon Land Use Plan.

SECTION 3. RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS.

Local Law No. 2 of 2006 complements this Local Law by providing for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code within the Town of Lisbon. Local Law No. 1 of 1984 complements this Local Law by providing for the disposal of sewage and the design of sewage disposal systems within the Town of Lisbon. Applicants must comply with the provisions of both

this Local Law, Local Law No. 1 of 1984 and Local Law No. 2 of 2006. Application forms for site plan approval under this Local Law will also contain information to allow the Enforcement Officer to carry out his or her responsibilities under Local Law No.2 of 2006 and to simplify procedures for applicants by reducing the number of forms required for submission.

SECTION 4. SEPARABILITY.

Should any section or provision of this Local Law be decided by Court of competent jurisdiction to be unconstitutional or invalid, such a decision shall not affect the validity of the Local Law as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

SECTION 5. FEES.

Permit fees shall be paid according to the fee schedule as may from time to time be established by Resolution of the Town Board.

SECTION 6. VIOLATIONS AND ENFORCEMENT.

A. It shall be unlawful to erect, construct, enlarge, alter, improve or use any building or structure or portion thereof or otherwise commence a use defined in this Local Law as requiring site plan approval without having first applied for site plan approval and a building permit.

B. Any person who shall fail to comply with a written order of the Enforcement Officer within the item fixed for compliance therewith, and any owner, builder, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of law, or any lawful order, notice, directive, permit provisions of this Local Law, or any lawful order, notice, directive, permit or certificate of the Enforcement Officer made thereunder shall be punished by a fine of not more than \$250.00 per violation. Each day that a violation continues shall be deemed a separate offense.

C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefore shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

D. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

E. It shall be unlawful to park or install any manufactured or mobile home on any property without first obtaining a building permit. No manufactured or mobile home may be installed for any purpose other than living quarters. Temporary installations are not allowed.

SECTION 7. REPEALER.

All Local Laws or portions thereof inconsistent with the provisions of this Local Law are hereby repealed.

SECTION 8. USES AND BUILDINGS THAT MUST CONFORM; REMOVALS.

Any use defined in Article III, Section I, as requiring site plan approval commenced after the effective date of this Local Law must comply with its provisions; such new buildings, structures or uses which do not conform to the provisions of the Law may be removed or halted by order of the Town Board.

SECTION 9. EXISTING USES, LOTS AND STRUCTURES.

Uses, lots and structures which would be regulated under the provisions of this Local Law may be continued, subject to the following provisions, unless otherwise provided for elsewhere in this Local Law:

A. Enlargement. Pursuant to Article I, Section 6, enlargement of any existing structure will require approval under this Local Law.

B. Restoration Following Disaster. Structures requiring site plan approval which have been damaged by fire or other causes may be restored to no more than their previous degree of completion without having to apply for and receive approval of a site plan.

C. Discontinuance. Uses or structures requiring site plan approval which have been discontinued for a period of twelve (12) continuous months shall not be re-established without the applicant having first applied for and obtained approval of a site plan.

D. Relocation. Should any use or structure requiring site plan approval be moved for any reason, the applicant must first apply for and receive approval of a site plan.

SECTION 10. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR).

A. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby

adopted by reference.

B. All "Type 1" actions (8NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.

C. The following bodies shall be lead agency, unless otherwise delegated by the Town Board:

Site Plan Review - Planning Board

D. If, in the opinion of the lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (EIS). Review, notice and action on the EIS shall be conducted according to Part 617, 8 NYCRR.

SECTION 11. DEFINITIONS.

Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Interpretation of terms and definitions shall be made by the Town Planning Board.

A. Accessory Structure or Use. A structure or use which is incidental to the principal structure or use and which is located on the same premises. Accessory structures included private automobile garages and sheds, etc. Accessory uses included occupations conducted within a residence, an apartment over a store, a manager's office in an apartment house, etc.

B. Agricultural Building or Structure. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place or employment where agricultural products are processed, treated or packaged, or as a place used by the public.

C. Agriculture. Raising livestock and/or crops or farm products resulting in a gross annual income of \$10,000.00 or more.

D. Airport. A facility for the take-off and landing of aircraft operated as a business or service.

E. Building. A wholly or partially walled structure, with a roof, for the shelter of persons, animals or property.

F. Business. A for-profit use involving manufacturing or the conversion of raw materials into saleable products or wholesale or retail sales of food or non-food

products or all of the above simultaneously.

G. Camping Trailer. Any mobile or portable structure intended for seasonal occupancy.

H. Club. A semi-public or private membership organization.

I. Dwelling Unit. One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one household.

J. Essential Service. A service such as fire protection, police protection, highway maintenance, a health care facility, etc., which is provided by a governmental entity.

K. Lead Agency. The public agency or board authorized to classify actions as excluded, exempt, unlisted, Type I or Type II and to determine the environmental significance of an action pursuant to Article 8, Part 617 of the New York Code of Rules and Regulations (8NYCRR, 617, SEQR).

L. Livestock. Agricultural animals raised for direct human consumption or use or for the consumption use of their body parts or products, including eggs, milk, hair, hide and meat, and specifically including hogs, horses, ponies, sheep, cows, fowl, fur-bearing animals and the like.

See also Agriculture.

M. Lot. A designated parcel, tract or area of land as may be described as a unit on a deed, plat, map or tax roll listing.

N. Modular Home. Factory manufactured housing bearing the insignia of approval issued by the State of New York, including all forms of such structures.

O. Manufacturing. Mechanical or chemical transformation of materials into new products through assembly of components, such as oils, plastics, resins or liquors.

P. Manufactured Home. A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2,438 mm) or more in width or 40 feet (12,191 mm) or more in length, or, when erected on site, is 320 square feet (29.7 square meters) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition,

except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

Q. Mobile Home. A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific State standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2,438 mm) or more in width or 40 feet (12,192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 square meters) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

R. Mobile Home Park. A site intended for the long-term parking of four or more mobile home dwellings, which may include services and facilities for residents.

S. Nuisance. An interference with the enjoyment and use of property, including smoke, odors, waste materials, radiation, noise, vibration, heat and glare.

T. Principal Use/Structure. The primary or predominant use of any lot; the structure within which the principal use is conducted.

U. Public Buildings and Grounds. Uses which are predominantly public in nature, such as post offices, churches, synagogues, community centers, etc.

V. Public Utilities. Facilities which provide the following public services: electricity, communications, gas, water supply, sanitary sewage treatment and disposal.

W. Review Fee. A review fee is the total cost incurred by the Town of Lisbon for expert review of the proposed project, site plan review, and is to include legal, engineering, architectural, landscaping, secretarial, consulting and all other services that may be deemed necessary by the review officer.

X. Sewerage. System for treatment and disposal of wastes from sanitary drains. Sewage treated and disposed in sewerage systems shall not consist of industrial wastes or liquids containing hazardous chemicals.

Y. Site. One or more adjacent lots sharing a common use.

Z. Site Plan. Development plan for one or more lots on which is shown the existing and proposed conditions, including natural and made conditions, structures, lighting, drainage, walkways, signs, screening, and ingress and egress. (See Articles III

and IV.)

AA. Soil Percolation Test. Test of the rate of movement of water downward through a soil conducted in accordance with the NYS Department of Health "Waste Treatment Handbook, Individual Household Systems".

BB. Structure. An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

CC. Subdivision. The division of a lot into four or more lots within a period of three years.

DD. Uniform Code. New York State Uniform Fire Prevention and Building Code.

EE. Use. The purpose or activity, for which lands or buildings are designed, arranged or intended, or for which lands or buildings are occupied or maintained.

FF. Waste Disposal Facility. Any public or private facility which receives, processes and/or disposes of solid, liquid or gaseous waste materials.

ARTICLE II - PERMITS AND PROCEDURES

SECTION 1. REQUIRED PERMITS.

No use or structure shall be erected or altered nor land developed until a permit has been issued by the Enforcement Officer, who shall issue such permits in accordance with regulations set forth in this Local Law and in Local Law No. 2 of 2006.

SECTION 2. CLASSES OF PERMITS.

The following classes of permits may be issued:

A. Site Plan Approval. Approval of a site plan shall be granted in writing by the Planning Board following a finding that the proposed land use(s) comply with the general and specific standards of Articles IV and V. Approval of the site plan shall not be construed as approval to construct any specific building or structure for which a building permit is required.

B. Building Permit. A building permit may be issued by the Enforcement Officer pursuant to Local Law No. 2 of 2006, provided site plan approval has been granted by the Planning Board for uses listed in Article III, Section 1.

SECTION 3. PROCEDURES FOR PERMIT APPLICANTS.

A. Required Documents. Every application for site plan approval shall be made by using forms approved and supplied by the Planning Board.

B. Discretion. The Enforcement Officer may waive or amend the requirements, filing plans and specifications for minor alterations, not affecting the external dimensions of the dwelling.

C. Amendments. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Enforcement Officer and approved by the Planning Board prior to the commencement of such change of work.

D. Display. The permit must be prominently displayed on the property or premises to which it pertains.

E. Expiration. A permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance. A permit may, upon written request, be renewed for a one (1) year period.

ARTICLE III - SITE PLAN REVIEW

SECTION 1. USES REQUIRING SITE PLAN REVIEW.

A. The following uses require site plan review and approval, followed by issuance of a building permit:

- (1) Agricultural buildings
- (2) Airport
- (3) Auto service and repair shop
- (4) Campground
- (5) Camping trailer occupied for longer than a single thirty (30) day period
- (6) Club
- (7) Day care center
- (8) Essential service
- (9) Excavating and mining
- (10) Garage sale or flea market lasting longer than two (2) fourteen day periods within a calendar year
- (11) Hotel
- (12) Kennel
- (13) Mobile or manufactured home park
- (14) Manufacturing and industry
- (15) Motel
- (16) Single and multiple-family dwelling, including mobile homes, modular homes and manufactured homes

- (17) Professional office
- (18) Public building(s) and grounds
- (19) Public utilities
- (20) Restaurant
- (21) Retail gasoline outlet
- (22) Tavern
- (23) Riding stable
- (24) Retail and wholesale business, except agriculture
- (25) Waste disposal facility

SECTION 2. PLANNING BOARD REVIEW AND DECISION.

A. Procedure. Within sixty-two (62) days of receipt of a complete preliminary application as defined in Article III, Section 4 of Local Law No. 1 of 1989, the Planning Board shall approve the preliminary application, approve it with modifications, return it to applicant for additional information and completion, disapprove it or schedule a public hearing on the preliminary application. If a public hearing is held, the Planning Board shall, within fifteen (15) days of the completion of the hearing, approve, approve with modifications or disapprove the preliminary application.

If a preliminary application is approved, the applicant and Code Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications, the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article III, Section 5 of this Local Law.

Within sixty-two (62) days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the chairperson of the Board.

B. Public Hearings. Public hearings shall be advertised in accordance with Article VI, Section 2.

C. Time Limitations. The time periods within which Planning Board actions are required by Article III, Section 2.A. of this Local Law are the maximum times allowable. The Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Board does not complete their review within the times specified in Article III, Section 2.A. of this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and Board.

D. Justification and Notice.

(1) The Planning Board shall apply all of the review standards described in Article IV of this Local Law in reviewing site plans.

(2) Decisions of the Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.

(3) Decisions of the Board shall be filed immediately in the office of the Town Clerk and a copy mailed to the applicant by certified mail, return receipt requested.

(4) Approval of a site plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the site plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from the Town, County, State and Federal agencies are obtained and any required performance bond is filed with the Town Clerk.

SECTION 3. SKETCH PLAN CONFERENCE.

A. Purpose. Prior to submission of an application as defined in Article III, Section 4 of this Local Law, an applicant may, as an option, request an informal sketch plan conference with the Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development. This conference can be used to review the basic site design concept, to discuss site characteristics (advantages and limitations), to determine the information to be required by the Board on the preliminary site plan and to address environmental concerns as required by the New York State Environmental Quality Review Act (8 NYCRR 617) previously referred to in Article I, Section 10.

B. Sketch Plan Submissions. Prior to the sketch plan conference, the applicant shall submit in as much detail as possible a written letter to the Town of Lisbon Enforcement Officer including, as a minimum, the following:

(1) A statement describing the proposed use.
(2) The approximate acreage or square feet involved, and the scale of the map.

(3) A sketch map of the proposed activity, and adjacent property owners' boundaries.

(4) A topographical map of an appropriate scale showing the location of the proposed use and all surrounding areas within five hundred feet (500') of the site of the proposed use. A copy of U.S.G.C. 7½ minute sheets is acceptable.

Upon receipt of the sketch plan, the Enforcement Officer, in conjunction with the applicant, shall complete the Sketch Plan Review Questions form as adopted by the Planning Board and shall schedule a time for the sketch plan conference, which is mutually convenient to the applicant and the Board, but not to exceed sixty-two (62) days from the date of submission of the sketch plan.

C. Sketch Plan Conference Actions. Upon receipt and review of the Sketch Plan Review Questions form, the Board shall take the following actions:

(1) With regard to SEQR, the Board shall determine if the applicant's proposal for site plan is a Type I, Type II or unlisted action. The Board shall determine the lead agency for SEQR review.

(2) Do one of the following:

(a) Waive the requirement for preliminary and final site plan submission, declaring that the Sketch Plan Review Questions form and sketch plan are the final information required and approve the issuance of a site plan by the Enforcement Officer. This action will normally follow when the proposed use is such that all the information required for a decision is contained in the sketch plan, the proposed use is compatible with the Town plan and the Planning Board has determined that the public interest will be served by not holding a public hearing.

(b) Do the same as in the above paragraph of this Local Law, except to order that a public hearing be held in order to better serve the public interest.

(c) Require a preliminary site plan be prepared by the applicant. The Board may at this time and at its discretion waive any preliminary requirements which are clearly not relevant to the proposed activity.

(d) Declare the sketch plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information.

SECTION 4. PRELIMINARY APPLICATION REQUIREMENTS.

A. Application. An application for preliminary site plan approval shall be submitted in writing to the Enforcement Officer, who shall then forward it within fifteen (15) days to the Planning Board after ensuring that it contains the necessary information for the Board's review. The application shall be accompanied by information drawn from the list in Section 4.B. below. The application for site plan approval will be on a form adopted by the Board. Any person uncertain as to whether or not this Local Law applies to a given land use activity may apply in writing to the Board for a written determination.

B. Required Documents. The following shall be required, unless specifically waived by the Planning Board or otherwise indicated, and shall constitute application for a site plan review:

(1) Application form (as approved by the Board and available from the Enforcement Officer and Town Clerk).

(2) Location map with scale, north arrow and date showing boundaries and dimensions of the parcel of property involved, identification of adjacent properties, including ownership and roads, and any known easements or rights-of-way.

(3) Map showing existing features of the site, including structures, roads, bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells and on-site sewage disposal facilities.

(4) On the same or separate map as "3" above, indicate the location, dimensions and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.

(5) Sketch of any proposed sign, building or structure, including exterior dimensions and elevations of front, side and rear.

(6) Name and address of applicant and any professional advisors.

(7) Copy of the deed to the property, if requested by the Board.

(8) Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.

SECTION 5. FINAL APPLICATION.

A. Submission of Final Site Plan. After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Board for approval. If more than six (6) months have elapsed since the date of the Planning Board's action on the preliminary site plan, and if the Board finds that conditions may have changed significantly in the interim, the Board may require re-submission of the preliminary site plan for further review and possible revision prior to accepting the final site plan for review.

B. Final Application Requirements. The following additional information shall accompany an application for final site plan approval:

(1) Record of application for and approval status of all necessary permits from Federal, State and County agencies.

(2) Detailed sizing, location and materials specifications for all modifications specified in the initial conditional approval by the Board.

(3) An estimated project construction schedule.

ARTICLE IV - SITE PLAN REVIEW STANDARDS

SECTION 1. GENERAL STANDARDS.

The proposed land use activity should not be in conflict with the Town's intent as expressed in Article I, Section 2 of this Local Law, and community goals and objectives as expressed in the Land Use Plan or in future community planning documents.

SECTION 2. SPECIAL STANDARDS.

The Planning Board's review of the site plan shall at a minimum include and shall evaluate each of the following:

- A. Compatibility of development with natural features of the site and with surrounding land uses.
- B. Measures to prevent damage from floods.
- C. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities.
- D. Buffers to protect neighboring properties against noise, glare or other nuisances.
- E. Vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and other traffic controls.
- F. Parking and traffic safety provisions.
- G. Exterior lighting.
- H. Fire protection provisions.
- I. Erosion control methods during and after construction.
- J. Storm water and drainage facilities.
- K. Water supply.
- L. Sewage disposal facilities.

M. Bulk storage of petroleum products for screening purposes. Applicant must also comply with all other New York State regulations.

N.(1) There is a requirement that there be a minimum of one (1) deeded acre of land for a single residential building/dwelling. One (1) acre must remain with the original building/dwelling if the land is subdivided.

N.(2) Notwithstanding the above, in the sewer district, the minimal lot size should be one hundred fifty (150) feet wide and one hundred fifty (150) feet long.

N.(3) The Town of Lisbon Planning Board may reject proposed residential lots which lack access to public roads.

SECTION 3. EXPLANATION OF STANDARDS.

The specific standards listed in Section 2 above are further described as follows:

A. Compatibility of development with natural features of the site and width surrounding land uses. The proposed use should not be located in such a manner on the site so as to:

- (1) Create a traffic hazard by limiting sight distance.
- (2) Be located in a poorly drained area.
- (3) Be located on soils which, according to USDA Soil Conservation Service criteria, are unsuitable for the particular use.
- (4) Substantially obstruct an existing view of a river, stream, lake or historic site or historic structure.
- (5) Disturb existing bodies of water which contribute to the natural beauty of the site.
- (6) Be located on slopes too steep to accommodate roads, walkways, riding trails or bike paths, as appropriate.

B. Measures to prevent damage from floods. Uses should, in as far as possible, be located in areas outside designated flood hazard areas. Further considerations are:

- (1) No use designated as primarily a public use shall be located within a flood hazard area.

(2) Uses which are not primarily a public use shall demonstrate mitigating measures, such as flood insurance, water diversion structures and well and septic systems, protective devices to prevent flood water from entering.

(3) Uses shall not be situated in such a manner that they will endanger life or property if carried away by a flood.

C. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities. Existing stone walls, mature trees and roads should be retained in as far as it is possible and to the extent that their retention will enhance the visual and aesthetic appeals of the site.

D. Buffers to protect neighboring properties against noise, glare or other nuisances. If a proposed use is likely to generate noise, odor, vibration or other other emissions, the feasibility of using the following should be considered:

- (1) Berms
- (2) Fences
- (3) Mufflers
- (4) Vegetation for screening

E. Vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and other traffic controls. Uses generating traffic should be reviewed for the following possible impacts:

- (1) Poor access off a State, County or Town road.
- (2) Parking arrangement poorly designed so as to force vehicles to back into a public roadway or block entrances or exits.
- (3) Unclear or confusing traffic control signs.
- (4) Traffic flow which creates hazards to pedestrians.

F. Parking and Traffic Safety Provisions. Article V contains specific requirements for parking and traffic safety.

G. Exterior Lighting. Exterior lighting should be neither too poor nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be allowed to be directed at residences adjacent to the site so as to create a nuisance.

H. Fire Protection Provisions. The New York State Uniform Fire Prevention and Building Code regulates fire protection. The Planning Board shall consult with the Enforcement Officer to determine whether the Code has been complied with.

I. Erosion control methods during and after construction. Existing vegetation should be retained in as far as possible. Hay bales, netting, retaining structures,

sediment ponds and timely seeding of ground cover should be considered, depending on the erodability of the site.

J. Storm Water and Drainage Facilities. Provisions for control of storm water and drainage should be made, if necessary.

K. Water Supply. Water supply must be clearly identified in the application. Water for public or semi-private uses should be from a drilled well, properly grouted. Water for primarily private uses may come from a drilled well, dug or driven well or a springhouse.

L. Sewage Disposal Facilities. Local Law No. 1 of 1984 regulates sewage disposal facilities. The Planning Board shall consult with the Enforcement Officer to determine whether this Law has been complied with.

M. Bulk Storage of Petroleum Products. Applicants proposing uses involving the bulk storage of petroleum products over 1100 gallons should demonstrate that:

(1) Containment in below-ground tank is accomplished in such a way as to prevent leakage from settling, cracking or corrosion of the tank.

(2) Containment in above-ground tanks is accomplished in such a way as to prevent surface spills leaving the property or entering surface or groundwater.

ARTICLE V - PARKING AND TRAFFIC SAFETY REGULATIONS.

SECTION 1. PARKING FACILITIES.

Adequate off-street parking facilities shall be provided for the use of occupants, employees and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be so designed that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces is suggested for certain uses and structures as shown in the following table:

A. Residences, Apartments: One (1) parking space for each dwelling unit

B. Stores, Shops, Offices: One (1) parking space for each two hundred (200) square feet of gross floor area.

C. Churches, Meeting halls: One (1) parking space for each eight (8) seats provided for its patrons based upon maximum seating capacity.

D. Restaurants: One (1) parking space for each five (5) seats.

E. Motels, Tourist homes: One (1) parking space for each guest room.

F. Nursing homes: One (1) parking space for each five (5) patients.

G. Industries: One (1) parking space for each employee shift.

H. Other uses, including home occupations, rural businesses and rural industries: Parking spaces adequate to meet expected maximum demand based on the requirements for similar uses and on reasonable estimates, such estimates to be included in the application for a building permit.

SECTION 2. LOCATION OF BUILDINGS.

A. All buildings shall be located no less than fifty (50) feet from the edge of a pavement or road. Buildings on corner lots shall be set back fifty (50) feet from both road edges.

B. All buildings shall be located no closer than fifteen (15) feet from any boundary, excluding pavement or road boundaries. No dwelling unit or multiple unit structure shall be located less than thirty (30) feet from an adjacent dwelling unit or multiple unit structure. Setbacks shall be ten (10) feet from any boundary within the sewer district; setbacks from roads shall be fifty (50) feet.

SECTION 3. CORNER.

On a corner lot, no fence, wall, hedge, sign or other structure or planting more than forty (40) inches in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are thirty (30) feet distance from the point of intersection.

SECTION 4. LOCATION OF SIGNS.

Signs shall not be designed so as to be confused with any traffic sign or signal. Flashing, distracting, oscillating and revolving signs are not permitted. Signs may be illuminated by a steady light, provided the lighting does not directly illuminate the adjacent properties or road.

ARTICLE VI - ADMINISTRATION

SECTION 1. ADMINISTRATIVE OFFICER.

A. Creation. There is hereby created the appointive office of Enforcement Officer. The Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board, at compensation to be fixed by it. In the absence of the Enforcement Officer, or in the case of the inability of the Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act for this Officer. Compensation shall be as may from time

to time fixed by the Town Board by Resolution.

B. Duties and Powers. The Enforcement Officer shall perform all the functions identified in this Local Law and shall otherwise assist the Planning Board in the administration and enforcement of this Local Law.

SECTION 2. PUBLIC HEARINGS.

Any public hearing held under the provisions of this Local Law shall be advertised by a notice of public hearing, to be published once in the official newspaper of the Town at least five (5) days prior to the date of the hearing. In addition, notices shall be mailed to the applicant and to adjacent property owners. Notices shall be mailed by certified mail, return receipt requested, or may be presented in person. Any hearing may be recessed by the Board in order to obtain additional information or to serve further notice upon property owners or other persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced and no further notice or publication will be necessary. Conduct of public hearings shall be within the discretion of the Board, but shall conform to generally accepted standards for the conduct of administration hearings.

SECTION 3. FURTHER REGULATIONS BY PLANNING BOARD.

The Planning Board may, after holding a public hearing and giving adequate notice thereof, adopt such additional procedural rules and regulations as it deems necessary and reasonable to carry out the provisions of this Local Law. Such additional procedural rules and regulations shall not apply to the review and approval of a site plan for which initial application has been made prior to the scheduling of the public hearing.

SECTION 4. AMENDMENTS.

The Town Board may on its own motion, on petition or on recommendation of the Planning Board, after public notice, amend this Local Law pursuant to all applicable requirements of law. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) calendar days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed a recommendation for approval of the proposed amendment.

SECTION 5. JUDICIAL REVIEW.

Any person aggrieved by any decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk.

SECTION 6. REVIEW FEE.

The Town Board of the Town of Lisbon feels it is appropriate to pass any administrative costs for the Site Plan Review Law onto the developer requesting site plan review so that said costs are not a burden upon the taxpayers of the Town of Lisbon. All applicants submitting an application requiring additional professional assistance (as is determined by the Planning Board of the Town of Lisbon) shall pay a "Review Fee" provided for by this Local Law to the Town Clerk upon submission of the application and notification by the Town Clerk. No application shall be deemed complete until all fees and deposits have been paid in full.

The review fee is to be, as much as possible, based upon an hourly basis. The reviewer will present a proposal based upon an estimate of the number of hours that may be involved for the type of work; however, provisions will have to be made for a second deposit when the actual number of hours for review exceeds those in the estimate.

SECTION 7. CLERK OF THE WORKS.

There may be certain situations in which the Planning Board or the Code Enforcement Officer feel it necessary to have a Clerk of the Works on site at the project to oversee construction. This Clerk of the Works would represent the Town of Lisbon and may be a different Clerk of the Works than that provided by the developer. This may entail the cost of an engineer. Any of these costs will also be borne by the applicant.

SECTION 8. CERTIFICATE OF OCCUPANCY.

No Certificate of Occupancy will be issued until all the entailed fees are paid in full.

SECTION 9. INTEREST.

Should any of the entailed costs not be paid, the Town Board of the Town of Lisbon is hereby granted authority to charge interest on the unpaid costs at the rate of one and one-half percent per month and to add said total to the tax levy attributable to said property.

ARTICLE VII - EFFECT ON PREVIOUS LOCAL LAWS

This Local Law supersedes the following Local Laws:

- A. Local Law No. 1 for the year 1989
- B. Local Law No. 1 for the year 1996
- C. Local Law No. 2 for the year 2000
- D. Local Law No. 2 for the year 2001
- E. Local Law No. 3 for the year 2001
- F. Local Law No. 3 for the year 2003
- G. Local Law No. 2 for the year 2004

ARTICLE VIII - EFFECTIVE DATE

This Local Law shall become effective upon the date it is filed with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2012, of the Town of Lisbon was duly passed by the Town Board on February 8, 2012, in accordance with the applicable provisions of law.

Donna McBath
Donna McBath, Clerk
Town of Lisbon

(Seal)

Date: 2/08/12

STATE OF NEW YORK)
)
) SS.:
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.

Charles B. Nash, Esq.
Town Attorney
Town of Lisbon

Date: 2/19/12

TOWN OF LISBON SITE PLAN REVIEW

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