

Town of Oswegatchie  
Site Plan Review and Subdivision Local Law

ARTICLE I. GENERAL STANDARDS

Section 1. Title and Legislative Authority

This Local Law shall be known as the “Town of Oswegatchie Site Plan Review and Subdivision Local Law” and is adopted pursuant to Sections 274-a and 276 of the New York State Town Law and Article 2, Section 10 of the New York State Municipal Home Rule Law for purposes of publication.

Section 2. Purpose

The purposes of this Local Law are to:

- A. 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.
- B. Foster the rational division of land and promote planned growth and development of residential, commercial recreational, institutional and industrial uses in the Town of Oswegatchie.

Section 3. Relationship of this Law to Other Laws and Regulations

- A. Conflict with other laws. Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive of those imposing the highest standards shall govern.
- B. Requirement for New York State General Municipal Law 239-m and n Referral to County Planning Board. Section 239-m and 239-n requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board or the Planning Board, as appropriate, and that the referring board shall not take final action until it has received a recommendation within 30 days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
  - i. Adoption or amendment of a comprehensive plan pursuant to section 272-a of town law;
  - ii. Adoption or amendment of a zoning ordinance or local law;

- iii. Issuance of special use permits;
- iv. Approval of site plans;
- v. Granting of use and area variances;
- vi. Other authorizations that a referring body may issue under the provisions of any zoning ordinance or local law.
- vii. Preliminary, final or undeveloped Plats as defined in Section 239-n of GML.

The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred feet of the following:

- i. The boundary of any city, village or town; or
- ii. The boundary of any existing or proposed county or state park or any other recreation area; or
- iii. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- iv. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- v. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- vi. The boundary of any farm operation located in an agricultural district, as defined by article Twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

#### Section 4. Separability

Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, 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 without the necessity of advertisement or a public hearing.

#### Section 6. Violation and Enforcement

- A. It shall be unlawful to erect, construct, 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 and obtained a permit.

B. Any person, firm, corporation or other legal entity that violates, disobeys, neglects, or refuses to comply with any provision of this Local Law shall be guilty of an offense, and upon conviction thereof, be subject to a civil penalty of not less than \$50.00 and not more than \$250.00. Each week a violation is continued shall be deemed a separate offense. If an action is required to enforce this local law before the Supreme Court of the State of New York, said Supreme Court Judge is fully authorized to impose a civil penalty of up to \$250.00 per week. Said civil penalty is payable to the Town of Oswegatchie in all instances.

C. Upon determination by the Code Enforcement Officer that a violation of this Local Law exists, written notice shall be sent to the owner of the property. The notice may be delivered by other means or may be attached to the premises of the owner. A copy of the notice shall be sent to the Town Board.

#### Section 7. Nonconforming Uses

Any use commenced after the effective date of this Local Law shall comply with its provisions. Any legal use commenced prior to the effective date of this Local Law shall be permitted, however, expansion of such use shall be subject to this Local Law. Lots of record which are smaller in area than the minimum required size as of the date of this Local Law shall be deemed to be in conformance with the minimum lot sizes specified herein but not automatically with respect to the minimum required setbacks. A non-conforming use discontinued for a period of more than one (1) year shall not thereafter be permitted.

A nonconforming building or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided that the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one year, unless an extension is granted by the Planning Board for due cause.

In kind replacement of existing elements shall be permitted in nonconforming uses.

#### Section 8. Removals

The Town Board may, by order, halt and/or seek a legal determination to remove such new buildings, structures, or uses that do not conform to the provisions of this Local Law. The cost of such removal shall be at the owner's expense. Such cost of removal may be added to the real property taxes attributable to said property if not paid within 60 days.

## Section 9. 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 (VIII) and Part 617 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.
- B. All “Type I” and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. The Board that is empowered to approve the action shall be the lead agency.
- D. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

## Section 10. Definitions

Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases that are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Other zoning definition reference documents may also be used to define terms not listed below. The Planning Board shall make interpretation of terms and definitions. The Planning Board has the discretion to direct the Code Enforcement Officer to utilize generally accepted standards (OSHA, Uniform Fire Prevention and Building Code, other applicable standards developed by state and federal agencies such as the DEC, DOT, DOH, FCC, FAA, etc.) in making determinations of nuisance levels.

**Accessory Structure or Use:** A use of land, building, or portion thereof customarily incidental and subordinate to the principal use of the land or building on the same lot with such principal use.

**Agriculture:** Raising livestock and/or crops for sale, including tree crops.

**Animal Hospital:** A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Automobile Sales:** A place where new or used automobiles may be marketed and leased or sold.

**Automobile Service:** A place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, washing, servicing, or equipping of automobiles may be performed, excluding painting and body work.

**Bank:** An institution where money is deposited, kept, lent, or exchanged.

**Bed and Breakfast Home:** An occupied dwelling used incidentally to provide accommodations and meals to travelers. Includes a tourist home but not a boarding or rooming house.

**Berm:** A constructed mound of earth in excess of two (2) feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

**Block:** A rectilinear group of lots served by a road within subdivision.

**Boarding or rooming house:** A dwelling in which the proprietor supplies sleeping accommodations, with or without board, for a fee to at least three (3) people, and not more than ten (10) people exclusive of the proprietor and his/her family.

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

**Business or Professional Office:** Any building or part of a building in which one (1) or more persons are employed in the management, direction, or conducting of an agency, business or brokerage, or labor or fraternal organization, and shall exclude such uses as retail store, manufacture, assembly or storage of goods, or places of assembly or amusement.

**Church:** A building or structure, or groups of buildings or structures, which, by design and construction, are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**Day Care Center:** See school.

**Double Frontage Lot:** A lot that has a portion of its boundaries coinciding with the rights-of-way of two (2) intersecting roads or streets.

**Dwelling, Group:** A building or portion thereof with sleeping and living accommodations for more than five (5) persons, used or occupied as a club, dormitory, assisted living center, or rooming house, but not as a tourist home or similar uses.

**Dwelling, Multi-family:** A building or portion thereof designed for year-round occupancy, containing separate apartments or condominium dwelling units for three (3) or more families living independently of each other, excluding hotels, motels, campsites and rooming houses.

**Dwelling, One-family:** A detached building designed for year-round occupancy by one (1) family, excluding mobile/manufactured homes, recreational vehicles, or any temporary structure.

**Dwelling, Two-family:** A detached building designed for year-round occupancy by two (2) families living independently of each other, excluding mobile/manufactured homes, recreational vehicles, or any temporary structure.

**Family:** A household constituting a single housekeeping unit occupied by one (1) or more persons.

**Fence:** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Home Occupation:** Any use customarily conducted entirely within a dwelling and operated only by a resident of the premises and in which not more than one (1) non-resident is employed or engaged, and which use is clearly incidental to the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises, or products incidental to the service provided. In particular, the term home occupation includes, but is not limited to, the following: professional or business service; art, craft or photographic studio; dressmaker or seamstress; barber or beauty shop; day care in a family home.

However, a home occupation shall not be interpreted to include a commercial stable or kennel; harboring wild animals for gain; an animal hospital; a restaurant; a tourist or boarding house; a convalescent home; a funeral home; nor stores, trades or businesses of the kind herein excepted.

**Hotel or Motel:** A building or group of buildings wherein accommodations are provided for transient lodgers, with or without meals, and having at least four (4) rooms.

**Industry:** A business involving manufacturing, demolition, reconversion of materials, transportation, generation of electrical power and heat, or wholesale trade, excluding commercial junkyards. (See Junkyard, Commercial).

**Junkyard, Commercial or Major:** Such portion of a lot, land, parcel, unenclosed building, or structure used for the storage, collection, processing, purchase, sale, or abandonment of scrap materials in quantities greater than four (4) cubic yards or six (6) or more uninspected, unregistered, or inoperable motor vehicles. (See Junkyard, Minor).

**Junkyard, Minor:** Such portion of a lot, land, parcel, unenclosed building, or structure used for the storage of more than two (2) but less than six (6), uninspected, unregistered, or inoperable motor vehicles or scrap materials in quantities of four (4) cubic yards or less which the property owner intends to reuse. A motor vehicle shall be deemed

inoperable if the wheels, engine or portions of the drivetrain have been removed for a period exceeding 60 days.

**Kennel:** Any structure or premises in which more than six (6) non-agricultural animals are kept, boarded, bred, or trained for commercial gain, or where any number of wild (feral) animals are harbored, kept, boarded, bred, or trained, whether or not for commercial gain.

**Laundromat:** A building or structure where coin-operated laundry machines, using only water, detergents, and additives, are made available to the public for the purpose of laundry cleaning.

**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 (6 NYCRR, 617, SEQR).

**Light Manufacturing:** Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged.

**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.

**Manufactured Housing:** Factory manufactured housing bearing the insignia of approval issued by the State of New York, including all forms of such structures.

**Mobile/Manufactured home, class A:** A new or used “double wide” manufactured housing unit certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and bearing the seal of that Department, and meeting the following compatibility standards:

- A. The minimum width of the mobile/manufactured home at its narrowest point shall be not less than 20 feet when erected on site.
- B. The exterior material of the mobile/manufactured home shall be similar to that customarily used in site-built residential structures.
- C. The mobile/manufactured home shall have a sloping roof. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures.
- D. The mobile/manufactured home shall be attached to a permanent foundation approved by the Code Enforcement Officer. Permanent foundation shall include a slab on grade.

E. The exterior covering material of the mobile/manufactured home shall extend to the ground, except that where a permanent perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

**Mobile/Manufactured home, class B:** A 12-foot or greater width “single wide” mobile/manufactured home certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and bearing the seal of that Department. Each unit shall be inspected by the Code Enforcement Officer and determined to be in good condition and safe for residential occupancy.

- A. The mobile home shall be attached to a permanent foundation approved by the Code Enforcement Officer. Permanent foundation shall include a slab on grade.
- B. The exterior covering material of the mobile home shall extend to the ground, except that where a permanent perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

**Mobile Home Park:** A site intended for the long-term parking of five (5) or more mobile/manufactured home dwellings, which may include services and facilities for residents.

**Modular Home:** A dwelling unit constructed on site in accordance with state building codes and composed of components substantially assembled in a manufacturing facility and transported to a building site for final assembly on a permanent foundation.

**Nuisance:** An interference with the enjoyment and use of property including smoke, odors, waste materials, radiation, noise, dust, vibration, heat, glare, and visual blight.

**Parish House:** An accessory structure to a church intended for use as a single-family dwelling for the staff of the church.

**Parking Space:** An area used for parking a vehicle that is a minimum of 9' by 20' in size.

**Plat:** A map representing a tract of land showing the boundaries and location of individual lots and streets.

**Plat, Preliminary:** A preliminary map indicating the proposed layout of a subdivision which is submitted to the Planning Board for consideration and preliminary approval.

**Plat, Final:** A final map drawn by a licensed engineer or land surveyor showing a proposed subdivision, including all detailed information required by New York State and these regulations, which is submitted to the Planning Board and, if approved, filed with the County Clerk.

**Private Club:** A building or part of a building used exclusively by the members and guests of a club for social, recreational, or athletic activities.

**Public or Semi-Public Use:** A use which is primarily for the benefit of the public such as a park, picnic area, recreation area, or a related use which may or may not be operated as a business.

**Restaurant:** A building or part of a building where food and drink is offered for sale or sold to the public primarily for immediate consumption.

**Retail Store:** A building or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public.

**Salvage Operation:** See Junkyard, Major and Minor.

**School:** A building or structure, or groups of buildings or structures, including any accessory structures or open areas, which by design and construction are primarily intended to house education facilities to serve students from a minimum of two (2) households. A day care center is considered a school, whether or not educational facilities are present.

**Setback:** The distance between the street right-of-way line and the front of a building or any projection thereof, excluding uncovered steps.

**Setback Line:** The line that establishes the required minimum distance from the street right-of-way line or any other lot that establishes the areas within which the principal structure must be erected or placed.

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

**Small Rural Business:** A small-scale business conducted on a rural lot by the owner-occupant, employing no more than four (4) persons.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Structural Alteration:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

**Subdivision:** A tract of land shall constitute a subdivision upon the sale, rental, or offer for sale or lease of the fifth residential lot or residential building plot there from within any consecutive three-year (3) period.

**Tavern:** A building or part thereof where liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

**Telecommunications Tower:** Any structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals for the purpose of communication.

**Tract:** Any body of land, including contiguous parcels of land, under one (1) ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

**Uniform Code:** New York State Uniform Fire Prevention and Building Code (Title 9, Subtitle 5, Chapter 1, New York Code of Rules and Regulations).

**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.

**Warehouse:** A building used primarily for the storage of goods and materials.

**Waste Disposal Facility:** Any public or private facility, which receives, transships, processes and/or disposes of solid, liquid, or gaseous waste materials. Temporary storage of reusable or recyclable materials and compost piles for gardens are not waste disposal facilities unless such uses are conducted as part of a commercial venture.

**Wholesale Business:** Places of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; or other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

## ARTICLE II. PERMITS AND PROCEDURES

### Section 1. Classes of Permits

The following classes of permits may be issued:

- A. Standard Building Permit. The Code Enforcement Officer may issue a building permit only after his or her determination that the provisions of this Local Law have been met.
- B. Site Plan Permit. A site plan approval permit may be issued by the Code Enforcement Officer after review and approval by the Planning Board. Such approval is subject to the review and approval provisions set forth in Articles III and IV of this Local Law. The Planning Board shall comply with Article III Section 2 of same.
- C. Approval of Subdivision Plats. Subdivision plats, both preliminary and final shall be subject to the review and approval provisions set forth in Articles V and VI of this Local Law. The Planning Board shall comply with Article VI Section 2 of same.

### Section 2. Procedures for Permit Applicants

- A. Required Documents. Every application for activities described in Article II, Section 1 above shall be made using forms approved and supplied by the Town Board and available at the Town Clerk's Office.
- B. Amendments. Any such amendments to the application or the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer prior to the commencement of such change of work. In the case of a use that is the subject of site plan approval or subdivision review, any such amendments shall be filed prior to final action on the site plan or subdivision by the Oswegatchie Planning Board.
- C. Display. The building permit shall be prominently displayed on the property or premises to which it pertains.

### Section 3. Revocation of Permits

Any permit or approval granted under this Local Law that is based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by, or on behalf of, an applicant, shall be void. The Town may revoke said permit or approval upon notification to the applicant of an intention to do so, after having provided the applicant an opportunity to respond with respect to same.

## ARTICLE III. SITE PLAN REVIEW

### Section 1.

#### A. Uses 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 except those uses listed below.

#### B. Uses Exempt from Site Plan Review

- i. 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 single- or two-family dwelling.
- ii. The siting of singlewide or doublewide manufactured homes on an individual lot.
- iii. Agricultural operations 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.
- iv. Forestry uses
- v. Accessory structures under 600 square feet in size.
- vi. 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.

### Section 2. Planning Board Review and Decision.

A. Procedure. The Planning Board shall comply with Article III of this Local Law. Within 62 days of receipt of a complete preliminary application as defined in Article III of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall approve, approve with modifications or disapprove the preliminary application within 62 days of the completion of the hearing. In the event that the parcel boundaries are within the 500 foot threshold referenced in Article I, Section 3.B of this Local Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General

Municipal Law. If a preliminary application is approved, the applicant and the Code Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days. 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 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

- B. Public Hearings. If the Planning Board, in its discretion, decides to hold a public hearing concerning an application for final site plan approval, such public hearing will be held within 62 days of receipt of said application. The Planning Board shall render its decision concerning said application for final site plan approval within 62 days after the public hearing. Hearings shall be advertised in accordance with Article VII Section 7.
- C. Time Limitations. The time periods within which Planning Board actions are required by Article III of this Local Law are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Planning Board does not complete their review within the times specified in Article III 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 the Planning 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 Planning 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 Planning Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with 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 this one-year 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 Town, County, and State 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 of this Local Law an applicant has the option to 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 may be used to review the basic site design concept, discuss site characteristics (advantages and limitations), determine the information to be required by the Planning Board on the preliminary site plan, and address environmental concerns as required by the New York State Environmental Quality Review Act (6 NYCRR 617) previously referred to in Article I, Section 9.

B. Sketch Plan Submission. Prior to the Sketch Plan Conference, the applicant shall submit in as much detail as possible a written letter to the Town of Oswegatchie Code Enforcement Officer including, as a minimum, the following:

1. A statement describing the proposed use.
2. A sketch map of the proposed activity, and adjacent property owners' boundaries, including north arrow, scale, dimensions of the parcel of property involved, and the locations of any easements of record.
3. A copy of the deed for the lot.

Upon receipt of the Sketch Plan, the Code 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 Planning Board, but not to exceed 30 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 Planning Board shall take the following actions:

1. With regard to SEQR, determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action, and determine the lead agency for SEQR review.
2. Do one of the following:
  - a. Require a Preliminary Site Plan to be prepared by the applicant. The Planning Board may at this time and at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed activity.
  - b. 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 Code Enforcement Officer who shall then forward it to the Planning Board within 15 days after ensuring that it is complete. The application shall be accompanied by information drawn from the list in Section 4(B) below. The application for Site Plan approval shall be on a form adopted by the Planning Board.
- 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 Planning Board and available from the Code Enforcement Officer and Town Clerk).
  2. Location map with scale, north arrow, boundaries and dimensions of the parcel of property involved, and 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 a separate map as in Section 3.B.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 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 deed to the property.
  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 Planning Board for approval. If more than six (6) months has elapsed since the date of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in

the interim, the Planning Board may require re-submission of the preliminary site plan for further review and possible revisions 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 Town Plan or in future community planning documents.

### **Section 2. Specific Standards**

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

- 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 surface dividers, and other traffic controls.
- F. Parking provisions.
- G. Exterior lighting.
- H. Fire protection provisions.
- I. Erosion control methods during and after construction.
- J. Stormwater and drainage facilities.
- K. Water Supply.
- L. Sewage disposal facilities.
- M. Signs
- N. Preservation of scenic vistas.
- O. Bulk storage of petroleum products.

### Section 3. Explanation of Standards

A. Specific Standards. The specific standards listed in Section 2 above are further described as follows:

1. Compatibility of development with natural features of the site and with surrounding land uses. The proposed use should not be located in such a manner on the site so as to:
  - a. Create a traffic hazard by limiting site distance.
  - b. Be located in a poorly drained area.
  - c. Be located on soils, which according to the USDA Soil Conservation Service criteria, are unsuitable for the particular proposed use.
  - d. Substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista.
  - e. Disturb existing bodies of water that contribute to the natural beauty of the site.
  - f. Be located on slopes too steep to accommodate roads, walkways, riding trails, or bike paths, as appropriate.

On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than 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 30 feet distance from the point of intersection. All buildings shall be located no less than 50 feet from the edge of a pavement or road. Buildings on corner lots shall be set back 50 feet from both road edges.

2. Measures to prevent damage from floods. Uses should, insofar as possible, be located in areas outside of designated flood hazard areas. Uses should not be situated in such a manner that they would endanger life or property if carried away by a flood.
3. Landscaping arrangement and the retention of existing vegetation for aesthetic qualities. Existing stone walls, mature trees, and roads should be retained, insofar as it is possible, to the extent that they will enhance the visual and aesthetic appeal of the site.
4. Means to protect neighboring properties against noise, glare, or other nuisances. If a proposed use is likely to generate noise, odor, vibration, or other emissions, the feasibility of using the following should be considered:
  - a. Berms
  - b. Fences
  - c. Mufflers
  - d. Vegetation for screening

All berms, fences, mufflers and vegetation should fit with the character of the surrounding area. They must be constructed of quality material and maintained in good repair.

No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.

Signs shall be designed so as not to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road.

5. 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 negative impacts:

- a. Poor access off a State, County, or Town road.
- b. Poorly designed parking arrangement that forces vehicles to back into a public roadway or block entrances or exits.
- c. Unclear or confusing traffic control signs.
- d. Traffic flow that creates hazards to pedestrians.

6. Parking Provisions. 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 designed so that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces is required for certain uses and structures as shown in the following table:

a. Apartments, Mobile Home Parks	One and a half (1.5) parking space for each dwelling unit.
b. Stores, Shops, Offices	One (1) parking space for each 300 square feet of gross floor area.
c. Churches, Meeting Halls, other places of Public Assembly	One (1) parking space for each eight (8) seats provided for its patrons based on 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 per shift.
h. Other uses, including home occupations, rural businesses, and rural industries	Parking space adequate to meet expected maximum demand based on the requirements for similar uses and on reasonable estimates. Such estimates are to be included in the application for a building permit.

The Planning Board shall determine parking requirements for other uses not defined above.

7. Exterior lighting. Exterior lighting shall 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 directed at residences adjacent to the site so as to create a nuisance. Site illumination should observe Dark Sky compliance recommendations.
8. Fire protection provisions. The New York State Uniform Fire Prevention and Building Code regulates fire protection. The Planning Board shall consult with the Code Enforcement Officer to see if Code compliance exists.
9. Erosion control methods during and after construction. Existing vegetation should be retained insofar 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.
10. Stormwater and drainage facilities. Provisions for control of stormwater and drainage should be made if necessary.
11. Water Supply. Water supply must be clearly identified in the application and must comply with the *Uniform Fire Prevention and Building Code*.
12. Sewage disposal facilities. Sewage disposal facilities must comply with the Uniform Fire Prevention and Building Code, specifically the standards documented in Standards for Individual Water Supply and Individual Sewage Treatment Systems, 10 NYCRR Chapter II, Appendix 75A (or its replacement).

13. Hours of operation. The Planning Board may reasonably limit the hours of operation for the purpose of controlling nuisance impacts to surrounding properties.
14. Signs. Signs shall be permitted only according to standards listed as follows, unless otherwise stated in this local law.
  - a. No sign shall contain lights that flash or move or appear to move.
  - b. No sign attached to a building shall be higher than the principal building, and shall not exceed 25 feet in height above average finished grade of the site.
  - c. No freestanding sign shall be higher than twenty (20) feet above the finished grade of the site.
  - d. No general advertising signs unrelated to the authorized use of the premises are allowed.
  - e. No sign shall project into a public right-of-way.
  - f. No sign shall be erected on a public utility pole or traffic control structure.
  - g. All existing signs at the enactment of this local law shall be allowed to remain as long as they are properly maintained and their use remains current.
  - h. Temporary unlighted signs erected by and for non-profit organizations, such as churches, American Legion, scouts, political organizations, etc. advertising suppers, banquets, benefits, fund-raising sales, etc. may be erected for a forty-day period without permit in any zone, provided that the sign will not constitute a traffic hazard, and the property owner has given permission. Said sign shall be removed within forty-eight (48) hours after the advertised event.
  - i. Signage per site permitted: two (2) free standing signs with a total of sixty (60) square feet with no side to exceed thirty (30) square feet. In lieu of one (1) freestanding sign, sign/signs on the building, not to exceed a total of forty (40) square feet are permitted.
  - j. Home Occupation: One attached or one free standing sign having no more than six (4) square feet per side with a maximum of two (2) sides and a maximum height of eight (8) feet.

15. Preservation of Scenic Vistas. The specific considerations pertaining to this item are found in Section 3 (1) above.
16. Bulk storage of petroleum products. Applicants proposing uses involving the bulk storage of petroleum products should demonstrate that:
  - a. Containment in below-ground tanks is accomplished in such a way as to prevent leakage from settling, cracking or corrosion of the tank.
  - b. 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. SUBDIVISION REGULATIONS

### Section 1. General Standards

- A. All standards set forth herein shall apply to all parcels of a subdivision, regardless of whether said parcels have been sold, rented, or offered for sale or lease singly or collectively.
- B. All standards set forth herein shall apply to the extent that they are applicable as determined by the Planning Board and are required minimum standards. In certain circumstances 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.
- C. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other natural hazard and shall be in keeping with the objectives of the Town Plan, should one be developed.

### Section 2. Specific Standards

- A. Block Design. The length, width and shape of blocks shall be determined with due regard to:
  - 1. The type of development proposed;
  - 2. The need for convenient access, circulation, control, and safety of vehicular traffic, with particular attention to limitation of the number and location of points of ingress and egress; and
  - 3. Limitations and opportunities of topographic and other site characteristics.

Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed 1,500 feet, nor be less than 750 feet. Block width should generally be two (2) lots deep.

Nonresidential blocks intended for commercial or industrial use shall be of a length and width that is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and service areas.

### B. Lot Arrangement

- 1. Each lot shall have access to a public roadway as is determined appropriate by the Planning Board based on the size, location, and nature of the subdivision.

2. Each lot shall have the minimum required lot size of 1 acre and a minimum width of 100 feet.
3. No lot shall have a maximum length dimension greater than five (5) times its minimum width dimension.
4. Double frontage lots with access to two (2) roads shall not be approved except where no other arrangement is possible, and then only where the minimum lot depth is 100 feet.
5. Side lot lines should be substantially at right angles to straight road lines or radial to curved road lines.
6. Driveway access and grades should generally conform to the terrain, but shall not exceed a 15 percent grade over any 50 foot length, and shall not exceed three (3) percent within 25 feet of the improved surface area of the roadway, as measured along the centerline of the driveway.

C. Easements

1. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of 15 feet shall be required. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
2. A pedestrian easement, not less than 15 feet wide, in addition to any road, shall be provided where required by the Planning Board to provide safe circulation, or access to schools, recreation areas, and other community facilities.
3. Where a subdivision is traversed by a water course, drainageway, channel, or stream, a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course there shall be provided, as will such further width or construction, or both, as will be adequate for the purpose, as determined by the Planning Board.
4. Where a subdivision is situated so as to involve a noteworthy scenic view or vista, either for the subdivision, along a travel corridor, or for established residences, a scenic easement of appropriate configuration may be required by the Planning Board.

D. Roadways. All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the subdivider unless otherwise indicated and shall be in accordance with the following criteria:

1. The arrangement, character, extent, width, grade, and location of all roadways shall conform to the Town Plan as such exists at the time, and shall be considered in their relation to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such roadways. Road grades shall conform as closely as possible to the natural topography, and all roads shall be arranged so as to allow for a maximum number of the proposed number of building sites to be situated at or above the finished grade level of the roadway.
2. The arrangement of roadways in a subdivision shall provide for the continuation, if appropriate, of residential roadways in the surrounding areas and for the composition of a convenient system for both the subdivision and connection to the existing highway system.
3. Roadway layout shall consider the installation of utility distribution and service lines and shall be situated so as to best accommodate these installations in an acceptable manner.
4. Road layout shall minimize stream crossings, avoid traversing slopes in excess of 25 percent, and avoid soils with a susceptibility to erosion or slope failure.
5. Local roadways shall be laid out so that their use by through traffic is discouraged.
6. The arrangement of roadways in any subdivision shall consider provision for continuation of collector or key local roads to adjoining property which has the potential to be similarly subdivided and to existing road systems.
7. Clearing and grading for road and utility installation shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
8. The construction of roads and the installation of utilities shall be planned sequentially, so that construction operations do not interfere with or destroy completed work.
9. Every roadway shown on a plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private road until such time as it has been formally offered for cession to the Town and formally accepted as a public road by resolution of the Town Board, or alternatively, until it has been condemned by the Town for use as a public roadway.
10. Roadway jogs with centerline offsets of less than 150 feet shall not be permitted. Any subdivision road intersecting an existing arterial or collector

road shall be no closer to another intersecting roadway than the stopping site distance as determined by the configuration of the roadway at that point and the legal speed limit.

11. All roadway intersections shall be rounded by curves with a minimum radius of 25 feet as measured from the edge of the improved travel surface. Within the triangular area formed by connecting two (2) points 50 feet from the intersecting road rights-of-way, visibility shall not be restricted by the natural landform nor by the location of any structure or planting.
12. The length of a tangent between reverse curves on arterial and collector roadways shall be a minimum of 150 feet, and on local roadways a minimum of 100 feet.
13. Roadways shall be laid out so as to intersect as nearly as possible at right angles. No roadway shall intersect any other roadway at less than 75 degrees and all roadways shall join each other so that for a distance of at least 100 feet, the roadway is approximately at right angles to the roadway it joins.
14. Roadway vertical gradients should not be more than 12 percent over any 100 foot distance and shall not exceed three (3) percent within 50 feet of any intersection.
15. Dead-end roadways shall not be permitted, except as provided herein:
  - a. A closed turn-around or cul-de-sac may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least 100 feet and a right-of-way diameter of at least 150 feet.
  - b. No such dead-end roadway or segment thereof shall provide the sole means of access to more than 25 dwelling units.
  - c. Reservation of an easement of appropriate width shall be provided for pedestrian or utility connection to adjoining property or the existing roadway system, where desirable.
16. Proper roadway drainage facilities shall be installed where required. Double wall corrugated polyethylene or corrugated metal pipe shall be used throughout for all culverts or subsurface drainage systems. Drainage shall be accommodated by one (1) or a combination of the following:
  - a. A roadside ditch a minimum of 18 inches below the finished centerline;
  - b. A concrete or asphalt gutter; or
  - c. A concrete or asphalt curb with storm sewer.

17. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five- (5) year, 24-hour rainfall. Drainage culverts shall be of adequate size and located so as to maintain pre-construction surface drainage patterns, provided such patterns were acceptable prior to construction.

18. Catchbasins, manholes, seepage drains, reinforced concrete pipe, or other drainage appurtenances and all underdrains shall be installed or constructed in accordance with the direction and requirements of the Planning Board, shall vary in size as conditions may require, and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such underdrains shall connect with piping or ditches leading to a live stream or natural drainageway as required by the Board.

19. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from:

- A ten- (10) year, 24-hour rainfall if the contributing drainage area is one (1) square mile or less;
- A 25-year, 24-hour rainfall if the contributing drainage area is between one (1) and four (4) square miles.
- A 100-year, 24-hour rainfall if the contributing drainage area is more than four (4) square miles.

20. Fill slopes shall not be steeper than two (2) horizontal on one (1) vertical (2:1) and cut slopes shall not be steeper than four (4) horizontal on one (1) vertical (4:1).

21. Rights-of-way and pavement or improved surface area shall have the following widths:

<u>Minimum Right-of-way</u>	<u>Minimum Pavement Or Improved Surface Area</u>
50 feet	<ol style="list-style-type: none"> <li>18 feet + curbing or two(2), five- (5) foot shoulders (populated area of 25 lots or more)</li> <li>16 feet + two (2), two- (2) foot shoulders (rural area and less than 25 lots)</li> </ol>

22. Where curbs exist on abutting properties, their extension by the subdivider may be required, at the discretion of the Planning Board, throughout all or a portion of the proposed subdivision. All curbs shall be approved by the

Planning Board. Where curbs are not required, adequate ditches or gutters shall be constructed and protected by seeding or appropriate surfacing by the subdivider.

23. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four (4) feet wide and four (4) inches thick shall be installed where required, as specified by the Planning Board.
24. All topsoil, humus, tree stumps, and like organic material shall be removed from the roadbed, and the sub-base shall be approved by the Highway Superintendent before any gravel is placed upon it.
25. Each road that is intended for cession to the Town shall be constructed in a manner specified by the Town Board.
26. All cleared areas associated with the construction of roads and installation of utilities, excluding those areas comprising road surfaces or shoulders, all exposed borrow areas, and all cut and fill slopes including ditch banks, shall be successfully vegetated to grasses or legumes that are suited to site conditions and as approved by the Planning Board. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

E. Flooding, Drainage, and Runoff

1. Any subdivision involving lands designated as Flood Hazard Areas by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development and any other land subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard, shall be reviewed by the Board in accordance with published guidelines or development in flood hazard areas.
2. Storm and surface drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision and not impact adjacent land owners or property.
3. Drainage structure and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.

4. The subdivider shall not allow holes, depressions, or other undrained areas to remain, except such wetlands as may be natural features or necessary retention basins that shall be protected or situated at the direction of the Planning Board.
5. The grading plan and the design of roadways in relation to storm drainage shall be such that the runoff from roofs, driveways, and other impervious surfaces will be collected in the ditches and/or gutters along the roadway in short runs of generally less than 500 feet and will then be diverted from the roadway surface into storm sewers or a natural drainage course.
6. The use of open water courses for drainage involves considerations related to safety, erosion control, stagnant water, protection of capacity, and appearance, which considerations will be recognized according to the following:
  - a. Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks. Ditches shall, wherever feasible, be in the shape of a wide top "U" with a round or squared invert.
  - b. Erosion Control. Adequate measures shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap, or such other measures as may be necessary to prevent scouring.
  - c. Drainage. The subdivider shall guard against the creation or continuation of non-regulated wetlands (swampy areas or stagnant pools) in close proximity to any development.
  - d. Capacity. The subdivider shall provide adequate measures for the protection of open drainage channels by establishing satisfactorily located drainage easements of sufficient width.
  - e. Appearance. As a natural water course can be an attractive visual asset to the subdivision as well as to the community, the subdivider shall, where possible, retain and improve the appearance of any natural water course used for surface or storm drainage as is practical. State and Federal permits may be required for work in, along, or around a watercourse.
7. Storm sewers shall have a minimum diameter of 12 inches and a minimum grade of one-half of one (0.5) percent.
8. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less are used, and not more than 500 feet apart where larger sizes are installed.
9. Subdivisions shall be designed so that the length of flow for water in a gutter or roadside ditch does not exceed 500 feet, except as permitted by the Board.

Runs exceeding the maximum length shall be connected to storm sewers or diverted to a natural drainageway.

10. Water in gutters and ditches shall not be allowed to flow over intersecting roadways, but shall be placed in adequate culverts,
11. Suitable headwalls, endwalls, ditch seeding or sodding, and other procedures or devices to prevent erosion shall be used.

F. Utilities

1. Fire Hydrants. The installation, type, and location of all fire hydrants shall be as approved by the Planning Board and shall be in conformance with the standards of the New York Fire Insurance Rating Organization, the Division of Fire Safety of the State of New York.
2. Location. Utilities shall be located in accordance with any applicable Public Service Commission guidelines and as approved by the Planning Board. The Planning Board shall require, whenever physically possible and when the size, location, and present service permits, that utilities be placed underground and in the road right-of-way line between the travel service and right-of-way line or in a consistent location within individual property lines to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is surfaced.

G. Revegetation of Disturbed Soil Areas

1. Areas on which vegetation has been destroyed or removed, excluding areas proposed for road surfaces or shoulders, driveways, building sites or parking lots, shall be successfully revegetated or otherwise established with structural measures to minimize the potential for soil erosion as soon as practicable.
2. Revegetation measures and efforts shall be evaluated by visual inspections, which shall include identification and measurement of the actual condition of new vegetation. Such evaluation shall be made not sooner than 180 calendar days from the date of planting and not later than 360 calendar days from the date of planting.
3. Corrective action shall be instituted and completed within the time specified by the Code Enforcement Officer upon determination of unsatisfactory compliance with this Section. In making any determination required by this Section, the Code Enforcement Officer shall consider significant rills, gullies, loss of mulch or seed, or failure of seed germination as evidence of unsatisfactory compliance.

4. Construction operations requiring revegetation of an aggregate area larger than 20,000 square feet shall be done in stages. Each stage shall receive complete treatment for revegetation or mulching as if the stages were individual constructions.
5. Upon completion of final grading of any area, revegetation operations shall begin within five (5) days and shall be completed within ten (10) days. In the event that more than five (5) days shall elapse between any consecutive construction operations that materially disturb the soil, such areas shall be adequately mulched or otherwise stabilized with structural measures within five (5) days of disturbance and shall be completed within ten (10) days to minimize the potential for soil erosion.

H. Street Lights, Trees, Signs and Seedings

1. Street lights shall be arranged for by the subdivider where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Planning Board.
2. Street trees are to be the responsibility of the subdivider. Retention and preservation of existing trees and location and type of new trees shall be approved by the Planning Board.
3. The area between the drainageway and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
4. Street name signs shall be of the type and in the location determined by the Planning Board and shall be provided by agreement between the Planning Board and the applicant.

I. Public Sites and Open Space

1. Where a proposed park, playground, school, or other public use shown in the Town Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.
2. In the instance of a subdivision involving the creation of 15 lots or more, the Planning Board shall, require that at least 5 percent and up to ten percent of the land area of such subdivision be reserved and improved for open space recreation purposes. In the instance of a subdivision of 14 lots or less, the Planning Board may, require that the same actions be taken.

3. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Planning Board may require, as a condition of approval of any such plat, other or further conditions as may be authorized by law. These include payment to the Town of an acceptable sum based on the size of the subdivision, the number of lots to be subdivided, and the value of the land in relationship to the ten (10) percent standard which might otherwise have been required for open space recreation purposes. This, in sum, shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

J. Monuments

1. The tract boundary lines, and the lines of all streets or roads shall be indicated with monuments of concrete, stone, or iron with monument caps.
2. Individual property boundaries shall have corners marked with iron pins or pipe.
3. The Planning Board may require that all such monuments be in place and capable of verification prior to the Planning Board Chairman recording his or her signature on the Subdivision Plat.

## ARTICLE VI. SUBDIVISION REVIEW PROCEDURES

### Section 1. Application Requirements

- A. Sketch Plan Conference. Prior to the filing of an application for approval of a preliminary plat, the subdivider or his authorized representative may request a Pre-Application Conference with the Code Enforcement Officer and Chairman of the Planning Board. The purpose of such a conference is to consult informally and at an early stage with the Board for the purpose of conserving time and exchanging information that will aid in assuring a desirable subdivision in the public interest.
- B. Preliminary Plat. Whenever any subdivision of land is proposed, the subdivider or his designated agent shall file a preliminary plat with the Code Enforcement Officer, who shall immediately ensure that it contains the required information and forward it to the Planning Board for review and action.
  1. The preliminary plat shall be titled “Preliminary Plat” and shall contain the following information:
    - a. The subdivision’s name, scale, date, north arrow, and location within the Town.
    - b. Topographic data on the tract and existing drainageways and water bodies proximate to the tract.
    - c. Tract boundaries, tract area, and street layout.
    - d. Name and right-of-way width of each street or other right-of-way. Street names should not duplicate existing street names within the town.
    - e. Location of all utilities on or adjacent to the tract.
    - f. Names of all property owners within 500 feet of the boundaries of the tract to be subdivided.
    - g. Location, dimensions, owners of record, and purpose of any easements.
    - h. A number to identify each lot and a letter to identify each block.
    - i. The location and purpose for which sites other than residential lots are dedicated or reserved.
    - j. Minimum front, side and rear yard setback lines on all lots and other sites.

- k. Summarized site data including number of residential lots, typical lot size, lineal feet of streets, area in parks, etc.
  - 2. Three (3) copies of the preliminary plat and any supplementary material shall be submitted to the Code Enforcement Officer.
- C. Final Plat. Upon receiving approval or conditional approval for a preliminary plat, a final plat shall be filed with the Code Enforcement Officer who shall immediately ensure that it contains the required information and forward it to the Planning Board for review and action. The subdivider shall submit the final plat within six (6) months after approval with or without modifications of a Preliminary Subdivision Plat or approval shall be null and void unless an extension of time is applied for and granted by the Board. The final plat shall conform substantially to the preliminary plat as conditionally approved and shall indicate any conditions or modifications that have been imposed by the Planning Board. Three (3) copies shall be submitted.
  - 1. Information contained in the final plat shall consist of, at a minimum, the following items:
    - a. All information required by Article VI, Section 1 (B) above for a preliminary plat except the title shall be "Final Plat."
    - b. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearing, radii, areas and central angles of all curbs, and the location and description of all monuments.
    - c. Topographic data showing a contour interval of two (2) feet related to USGS or other permanent bench mark where natural contours are to be changed.
    - d. Typical cross-sections of streets, including pavement, shoulders, ditches, walks, and cross-sections of drainage easements.
    - e. Profiles of street centerlines showing vertical curve data, slope of tangents, elevations of street intersections, and other critical points.
    - f. Profiles of waste distribution lines, any storm and sanitary sewers showing pipe diameter and distance between individual lines, manholes, and catch basins.
    - g. Preliminary drawings for buildings to be constructed, if any, including floor plans, exterior elevations, and sections.

- h. Landscaping, lighting, and all site improvements, including final grading plans where natural contours are changed beyond the road and building area.
- i. Evidence of approval, or pending approval, of any environmental impact statement or other submission under SEQR for which approval is required.

2. Accompanying data to be submitted with the final plat shall include:

- a. Deed showing owner of the tract to be subdivided.
- b. Authorization of the owner to apply for final plat approval if the applicant is not the owner of the property in question.
- c. Documentation showing that the proposed subdivision has been approved by the New York State Department of Health if appropriate.
- d. A one-time application fee shall be required and shall be set by the Town Board of Oswegatchie.
- e. Offers of cession that have been approved as satisfactory by the Town Attorney dedicating streets, easements, open space, or other facilities. (Note: Approval of the final plat shall not constitute acceptance by the Town Board of dedication of such facilities without formal acceptance by the Town Board).

3. The final plat shall be filed a minimum of ten (10) days prior to the regularly-scheduled Planning Board meeting.

4. The approval of a final plat showing lots, blocks or sites, with or without streets or highways, or the approval by the Planning Board of the development of a plat or plats already filed in the Office of the St. Lawrence County Clerk if such plats are entirely or partially undeveloped, or the certificate of the Town of Oswegatchie as to the date of the submission of the final plat and the failure of the Planning Board to have taken action thereon within the time prescribed, shall expire within 62 days from the date of such approval, or from the date such certificate is issued, unless such final plat has been filed in the office of the County Clerk.

## Section 2. Planning Board Review and Decision

A. Preliminary Plat. Upon receipt of the preliminary plat application, the Planning Board shall refer it to the St. Lawrence County Planning Board if said plat is located within the 500 foot distance thresholds set forth in Section 239-n of New

York State General Municipal Law. The Planning Board shall comply with Article VII, Section 2 of this Local Law.

Upon receipt of a preliminary plat and accompanying information from the Code Enforcement Officer, the Planning Board shall hold a public hearing within 62 days, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. In the case where a subdivision plat is located within 500 feet of a municipal boundary, notice shall be sent to the clerk of the adjacent municipality prior to holding a hearing. Notice must be given at least 10 days prior to the hearing.

Within 62 days after the date of the preliminary plat hearing, the Planning Board shall approve, approve with modifications, or disapprove such preliminary plat in accordance with the criteria set forth in Article V of this Local Law, and in accordance with the Town Plan and other relevant planning documents produced by 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. Within five (5) days of the approval of such preliminary plat, it shall be certified by the Clerk of the Town Board as preliminarily approved, a copy filed in his or her office, and a certified copy mailed to the subdivider.

Within six (6) months of the approval of the preliminary plat, the subdivider must submit the plat in final form or preliminary approval by the Planning Board is revoked. If the Planning Board fails to take action within the time constraints set forth in this subsection, such plat shall be deemed granted preliminary approval. The certificate of the Code Enforcement Officer as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

B. Final Plat. Within 62 days of the submission of a plat in final form for approval by the Planning Board, an advertisement for a public hearing shall appear at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

The Planning Board shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Code Enforcement Officer if no such hearing is held, or in the event that such hearing is held, within 62 days after the date of such hearing.

Notwithstanding for the foregoing provisions of this subdivision, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. In the event that the Planning Board fails to take action on a final plat within the time prescribed, the plat shall be deemed approved and a certificate of the Code Enforcement Officer to the date of the submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. This section shall be cited in the certificate. Upon resolution of conditional approval of such final plat the Planning Board Chairman or duly authorized officer shall sign the plat subject to completion of such requirement as may be stated in the resolution.

The Planning Board may require the posting of a bond or other form of security to ensure the satisfactory completion or required improvements in accordance with Section 277 of Town Law.

Within five (5) days of such resolution, the final plat shall be certified by the Code Enforcement Officer as conditionally approved, a copy filed in his office, and a certified copy mailed to the owner including a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the final plat shall be signed by the Planning Board Chairman or his or her duly authorized representative.

Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved final plat must be submitted for signature, if, in its opinion, such extension is warranted by the particular circumstances. Such extension may not exceed two (2) additional periods of 90 days each.

Prior to granting conditional or final approval of a final plat, the Board may permit the 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 insure the orderly development of the plat be completed before such sections may be signed by the Planning Board Chairman or his or her duly authorized representative. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

Once a final plat is approved the owner shall file the plat in the office of the County Clerk (in a form and on a media acceptable to the County Clerk) within sixty-two days from the date of final approval by the Planning Board or such approval shall expire.

## ARTICLE VII. ADMINISTRATION

### Section 1. Code Enforcement Officer

- A. Creation. The Town Board has previously established the Office of Code Enforcement Officer in the Town of Oswegatchie. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code 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 in this capacity.
- B. Duties and Powers. The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws.

The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.

### Section 2. Planning Board

- A. Creation. The Town of Oswegatchie shall establish a Town Planning Board. The Town of Oswegatchie Planning Board, pursuant to Section 271 of New York State Town Law, shall consist of five (5) members, each of whom shall reside in the Town of Oswegatchie. Appointments shall be made by the Town Board. The first appointments of members thereto shall be for terms so fixed that at least one (1) will expire at the end of each calendar year commencing at the end of the current such year and continuing in succeeding years until the entire original membership have completed their terms.
- B. Duties and Powers. The Planning Board shall have the following duties:
  1. Develop its official procedures and maintain records of its actions.
  2. Review subdivision plats and approve, approve with conditions, or disapprove them.
  3. Review site plans and approve, approve with conditions, or disapprove them.
  4. Conduct studies, planning, or surveys as needed to further the purposes of this Local Law.
- C. Compensation. Compensation of Planning Board members for expenses associated with their duties may be fixed, from time to time, by resolution of the Oswegatchie Town Board.

D. **Conflict of Interest.** The Town Board shall have the authority to establish alternate planning board member positions for purposes of substituting for a member in the event such a member is unable to participate because of a conflict of interest. Alternate members of the Planning board shall be appointed by resolution of the Town Board for terms established by the Board.

The Chair of the Planning Board may designate an alternate member to substitute for a member when such a member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

E. **Removal.** A Planning Board member may have his or her appointment terminated for cause by a resolution of the Oswegatchie Town Board after a public hearing.

F. **Procedure.**

1. The Planning Board shall act in strict accordance with the procedures specified by law and by these Regulations and shall be in accord with the following:
  - a. **Application.** All applications made to Planning Board shall be in writing, in the form prescribed by the Board. Every application shall refer to the specific provisions of the Regulations involved. The Code Enforcement Officer shall transmit to the Board all of the records concerning the application.
  - b. **Referrals.** Where any application involves lands within the 500 foot thresholds of Section 239-m of New York State General Municipal Law it shall be referred to the St. Lawrence County Planning Board and acted upon in accord with Article I, Section 3.B. of this Local Law.
  - c. **Notification of Public Hearing.** The Planning Board, if it so chooses shall fix a reasonable time for any public hearing in connection with the application and shall be given public notice thereof, by publication in an official paper of a notice of such public hearing at least five (5) days prior to that date; and shall, at least five (5) days before such public hearing, mail notice thereof to the applicant and to the adjacent land owners.
  - d. **Decision and Notification.** Within 62 days from the date of any public hearing, the Board shall render a determination on any appeal and notify the applicant in writing within five (5) working days of the date of determination.

#### Section 4. Amendments

- A. The Town Board may on its own motion, on a petition, or on recommendation of the Planning Board, amend these Regulations pursuant to the applicable requirements of law. In the event that the proposed amendments change the district classification of real property within the thresholds set forth in Section 239-m of New York State General Municipal Law, the Town Board must refer such amendments to the St. Lawrence County Planning Board pursuant to Article I of this Local Law.
- B. All proposed amendments shall be referred to the Planning Board for a report and a recommendation. The Planning Board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute their recommendation for approval of the proposed amendment.
- C. Before any amendment, there shall be a public notice and hearing thereon as provided by law. Notice of the hearing shall be published in a paper of general circulation at least five (5) days prior to the hearing.
- D. After the public hearing, a majority vote of the members of the Town Board shall be required to amend these Regulations.

#### Section 5. Judicial/Court Review

Any person or persons, jointly or separately aggrieved by any decision of the Planning Board, Town Board, or any official instrument of the Town in the administration of this Local Law, may apply to have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, provided the proceedings are commenced within 30 days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Town unless it appears to the Court that the Town or its representative acted with gross negligence, in bad faith, or with malice in making the appealed decision.

#### Section 6. Notification

The Planning Board shall, upon receipt of a complete application for a subdivision or site plan use all due diligence to notify, in writing, all owners of real property which immediately abut the parcel or parcels which are the subject of the application. In no case shall the Planning Board take action on any such application unless a minimum of 15 days has elapsed between the postmarked date of such notification and the date on which the Planning Board will officially consider the application. Such notification shall briefly describe whether the application is for a subdivision, site plan, planned

development district, or special permit and shall also state the time, date, and place at which the Planning Board will be considering the application.

#### Section 7. Public Hearings

Any public hearing held under the provision 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 all owners of real property within 500 feet of the exterior boundary of the parcel in question. Notices shall be mailed by certified mail, return receipt requested, or may be presented in person. Mailed notices must be sent at least 10 days prior to the date of the public hearing. Any hearing may be recessed by the Planning 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.

#### Section 8. Repealer

The Town of Oswegatchie shall Local Law # 1 of 1990 shall be repealed upon the filing of this Local Law with the New York Secretary of State.

#### Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.