

SITE PLAN REVIEW

1. Intent and Purpose

It is the intent of this Article to promote the health, safety, and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. Site plan is NOT a tool to address whether a use should be allowed.

It is further the intent of this Article to ensure that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and guarding neighboring properties against intrusive development impacts.

2. Authority to Review Site Plans

The Town of Windsor Town Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the town in accordance with the standards and procedures set forth in this Article. The Town Board will herein be referred to as the Board.

3. Uses Requiring Site Plan Approval

All land use activities within the town shall require site plan review and approval before being undertaken, except those specifically exempted in this Article. Any change of occupancy, use, expansion or tenant shall require site plan review

4. Exempted Uses

The following land use activities are EXEMPTED from the requirements of this Article:

- a. Construction of one or two family dwellings, traditional accessory structures, and related land use activities.
- b. Ordinary repair or maintenance of existing structures or uses.
- c. Agricultural buildings and land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure such as non-seasonal farmers markets or other retail spaces.
- d. Ordinary agricultural, non-commercial recreational and forest wildlife management practices.
- e. Incidental landscaping or grading or building of a pond.
- f. Exterior alterations or additions to an existing residential structure which do not change its nature or use.
- g. Interior alterations that do not change the nature or use of a commercial or industrial structure.
- h. Individual mobile homes established on a single lot and not as part of a mobile home park.
- i. Logging or mining activities permitted by the New York State Department of Environmental Conservation. This shall not include stone docks, saw mills or material processing facilities.

5. Existing Uses and Structures

These provisions shall not apply to uses and structures that are lawfully in existence or presently under construction as of the date this Article becomes effective. Any use that would otherwise be subject to these requirements, and has been discontinued for a period of one year or more, shall be subject to review under this Article before such use is resumed.

6. Procedures

Any person(s), before undertaking any new land use activity at any location within the town which requires a site plan, shall submit three (3) complete site plan applications together with appropriate supporting documentation to the Town of Windsor Code Enforcement Officer as outlined in this Article.

a. Initial Meeting

The applicant shall meet with the Town of Windsor Code Enforcement Officer prior to submission of a site plan application. The Code Enforcement Officer will make the initial determination if Site Plan Review is required and provide the applicant a list of all necessary information needed to complete the site plan application.

At this time the Code Enforcement officer shall review materials for compliance with all articles of this local zoning law. If necessary the Code Enforcement Officer shall submit applications to the Zoning Board of Appeals for any necessary variances prior to submission to the Planning Board to begin formal site plan review.

A complete application for site plan shall be submitted to the Code Enforcement Officer a minimum of ten (10) days prior to the Planning Board's regular scheduled meeting. The application shall include the completed application form, signed by the current owner or representative thereof; three (3) copies of the site plan with information as outlined in this Article; a Short Environmental Assessment Form (EAF) and the appropriate fee.

b. Site Plan Submission Requirements

All site plans shall be prepared by a registered architect, licensed land surveyor or professional engineer duly licensed by the State of New York, unless this requirement is waived by the Town Board because of the simplicity of the proposal. Site plans should be prepared on a standard 24" by 36" sheet, unless project size warrants less and shall be prepared at a sufficient scale to show:

1. Title of site plan, including name and address of applicant, owner and person responsible for preparing such drawing;
2. North arrow, scale and date;
3. Boundaries of property plotted to scale;
4. Location, size and existing use of buildings on premises;

5. Location and ownership identification of all adjacent lands as shown on the latest tax record;
6. Location, name, and width of existing adjacent roads;
7. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
8. Grading and drainage plan showing existing and proposed contours and water courses;
9. Location, type of construction and exterior dimensions of all buildings;
10. Identification of the amount of gross floor area proposed for retail sales services, offices, and other commercial or industrial facilities;
11. Location, type of construction, and area of all parking and truck loading areas, showing access and egress;
12. Provision for pedestrian access, including public and private sidewalks, if applicable;
13. Location of outdoor storage, if any, including waste-management containers;
14. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
15. Description of the method of sewage disposal and the location of such facilities;
16. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required;
17. Location, design and construction materials of all energy generation and distribution facilities, including wind, electrical, gas, and solar energy;
18. Location, size, design and type of construction of all proposed permanent signs;
19. Location and development of all proposed buffered areas, including indication of existing and proposed vegetative cover;
20. Location and design of existing and proposed outdoor lighting;
21. General landscaping and planting schedule;
22. Record of applications and approval status of all necessary permits from federal, state, county and local offices;
23. Estimated project construction schedule;
24. Other elements integral to the proposed development as may be specified by the Code Enforcement Officer at the initial meeting.

c. Additional Requirements

In addition to the above, the Planning Board may request the applicant to submit additional information to aid in rendering a decision. Additional information may include, but is not limited to:

1. Traffic study to show impact of project on existing traffic patterns.
2. On-site testing for water quantity and / or quality.
3. Study to review the potential for air, noise, ground and water pollution when a use is identified as releasing possible pollutants.
4. Study to indicate project's impact on groundwater and adjacent water courses, in regard to increased water runoff, increased use of a lake, release of effluent into a nearby stream.
5. Project's impact on existing public services such as: ambulance service, fire service, hospitals, utilities, and schools.
6. Long Form Environmental Assessment form.
7. Storm Water Pollution Prevention Plan (SWPPP).

d. Specifications of Materials Submitted

1. Site Map: This shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc.
2. Development Plan: This is a detailed plan for the proposed development, drawn to a scale of one hundred (100) feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including, but not limited to, drains, culverts, retaining walls and fencing; provides a description and shows the location of sewage and water facilities; shows the location of all signs, the location of proposed buffer areas, the design of lighting facilities; all vehicle parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances. Elevations may be required by the boards to illustrate the size and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.
3. Engineering Plans: The Planning Board shall require, as appropriate and within reason, engineering plans to illustrate and describe such development aspects as: road improvements, drainage system, grading plan, public or private utilities systems, sewer and water facilities, and such other supporting data as may be necessary. Engineering plans shall be drawn at a scale of fifty (50) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. All engineering plans shall be submitted with a New York State engineer's license seal.

e. Acceptance of Site Plan Application

The Board shall accept the application and begin the review process upon receipt of a complete application. If the application is inadequate or lacking information as outlined above then the Planning Board may, in writing, request further information from the applicant.

f. Less Intensive Review

The Planning Board may elect to conduct a less intensive review for minor types of projects that have little or no adverse impacts on neighboring properties and uses. Any request for a less intensive review must be submitted by the applicant in writing at the time of application in the form of a waiver(s).

1. Waivers - The Board may waive, subject to appropriate conditions, the provisions of any or all standards set forth by the special circumstances of a particular application given such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards would cause unnecessary hardships for the applicant without achieving public benefit objectives. The Town Board must state its reasons

for granting any waivers in writing and file the same along with the site plan application and supporting documents.

g. Site Visits and Referrals to Other Agencies and Boards

1. The Town of Windsor Planning Board – The Town Board shall refer all complete applications with supporting documentation to the Town Planning Board within 31 days of declaring an application complete. The Planning Board shall make a recommendation of approval, approval with conditions or disapproval within 62 days of receiving the application.
2. Town Engineer/Town Attorney – The Town Board also shall refer all complete applications with supporting documentation to the Town Engineer and Town Attorney within 31 days of declaring an application complete. The Engineer shall review all materials for technical compliance with all local, county, state and federal requirements and provide the Town Board with comments within 62 days of receiving the application.
3. The Town Board and the Town Planning Board may conduct a site visit prior to a final determination being made. Whenever possible, the Town Board and the Town Planning Board should work to conduct one site visit during the 62 day review period allotted to the Planning Board.
4. Broome County Planning Department - Prior to final action on the site plan, and where applicable, the Board shall refer the plan to the Broome County Department of Planning and Economic Development for its review and approval pursuant to Article 239-m of the General Municipal Law.

h. SEQR Compliance

After the site plan has been accepted as complete, the applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval. The Town Board shall classify the application according to the NYS SEQRA, and review the Environmental Assessment Form and decide:

1. If additional information is needed to render a determination of significance. The Town Board will specify exactly what the applicant needs to supply. OR
2. If the information is provided and project is identified as having small to moderate impacts with little significance, then a negative declaration can be given. OR
3. If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full (Environmental Impact Statement) EIS will be provided.

j. Public Hearing on Site Plan

The Town Board shall hold a public hearing within 31 days of receipt of a recommendation from the Planning Board. The applicant shall mail by return receipt requested notice of the public hearing to all properties within 500 feet at least ten (10) days before the public hearing. The return receipts shall be submitted to the Town Clerk. The Town shall advertise the public hearing in the Town's official paper at least five (5) days prior to the date of the hearing.

k. Town Board Action on Site Plan

The Town Board shall make a decision on the application within sixty-two (62) days after the public hearing. The time within which the Board must render a decision may be extended by mutual consent of the applicant and the Town Board. The Town Board shall render its decision to either approve, approve with conditions, or disapprove the site plan. The decision of the Town Board shall be filed in the office of the Town Clerk within five (5) business days and a copy mailed to the applicant.

1. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due the town, the Town Board shall endorse its approval on a copy of the site plan and shall file within five (5) business days the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified return receipt mail. A copy of the written statement of approval shall also be sent to the Code Enforcement Officer.
2. Approval with Conditions. The Town Board may approve the site plan and require that specific conditions be made. A copy of the written statement of approval containing the conditions required by the Town Board shall be mailed to the applicant by certified return receipt mail. Upon approval, and after payment by the applicant of all fees and reimbursable costs due the town, the Town Board shall endorse its approval on a copy of the site plan and shall file within five (5) business days the site plan and a written statement of approval with modifications with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified return receipt mail. A copy of the written statement of approval with modifications shall also be sent to the Code Enforcement Officer.
3. Disapproval. Upon disapproval of the site plan, the decision of the Town Board shall be filed within five (5) business days with Town Clerk and a copy thereof mailed to the applicant by certified return receipt mail along with a letter stating the Town Board's reasons for disapproval. A copy of the written statement of disapproval shall also be sent to the Code Enforcement Officer.

l. Extension of Time to Render Decision

The time period in which the Town Board must render its decision on the site plan may be extended by mutual written consent of the applicant and the Town Board. Failure of the Town Board to act within the time period specified or agreed upon between the applicant and Board shall constitute Town Board approval of the site plan as submitted or last amended.

7. Administration/Enforcement

No permit or certificate of occupancy shall be issued by the Code Enforcement Officer except upon the authorization by and in conformity with an approved site plan where required.

a. Performance Guarantee Options

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and/or any site plan approval conditions, the Town Board may require that the applicant enter into one of the following agreements with the town:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans. Such bond shall be a) based on an estimate furnished by the applicant, b) confirmed by the Code Enforcement Officer or Town Engineer, and c) approved by the Town Board.
2. Deposit certified check in sufficient amount up to the total cost of such improvements as shown on the site plan.
3. Provide the town with a letter of credit that is of sufficient amount to cover up to one hundred ten percent (110%) of the total cost of improvements as shown on the site plan.

c. Conditions

1. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
2. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
3. Certified checks shall be made payable to the "Town of Windsor" and will be placed in an escrow account established by the town for this purpose.
4. Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.

d. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the site plan. Road improvements shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Town Board grant him or her an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months and no more than three (3) extensions shall be granted, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Town Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

e. Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding Articles, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant until one (1) year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

f. Inspections

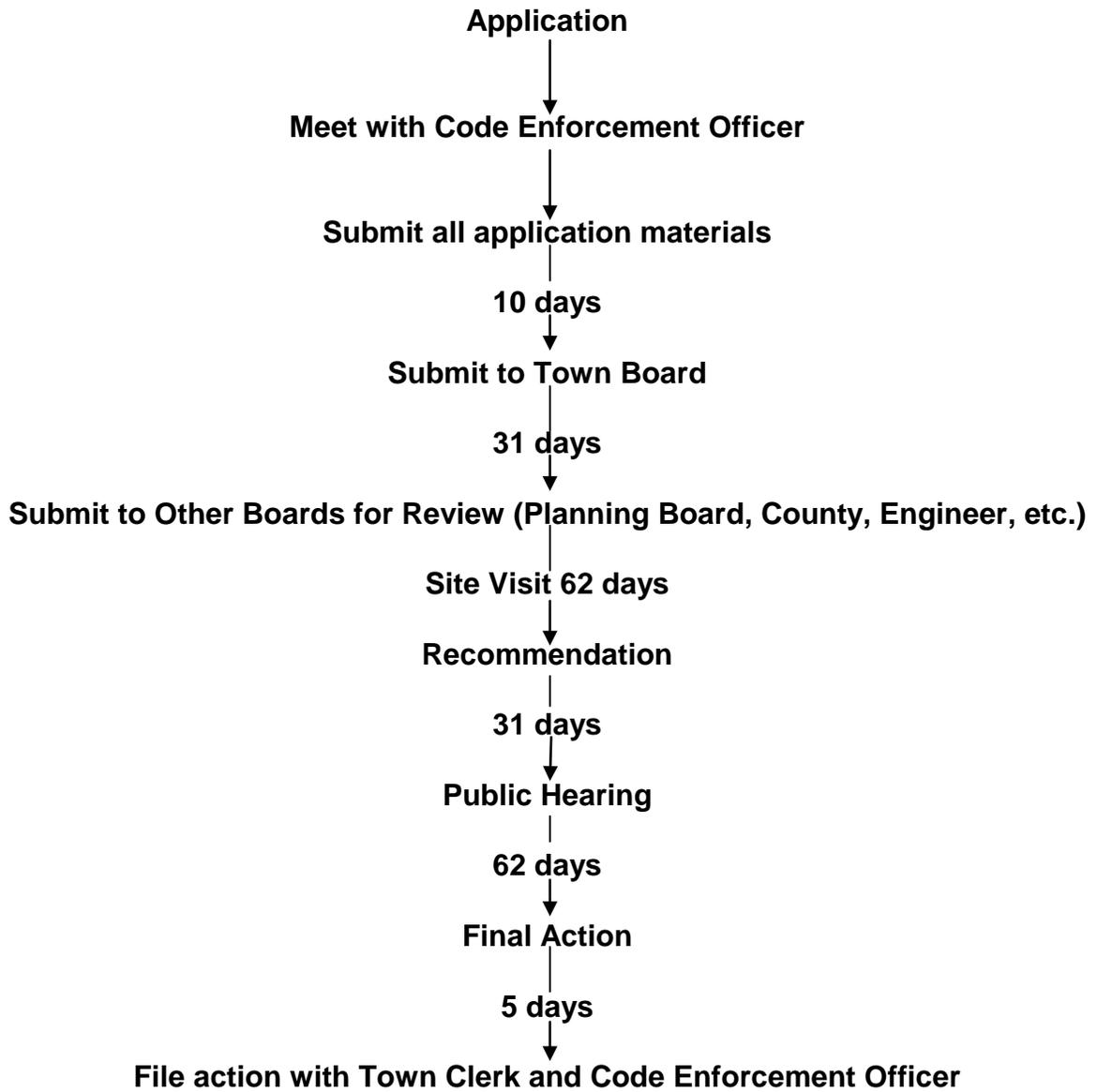
At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee as established by a resolution of the Town Board. Inspections during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Code Enforcement Officer when each phase of improvement is ready for inspection. Upon acceptable final completion of installation and improvement, the Town Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

g. Phased Development

The Town Board may further request that the applicant deposit a separate bond or certified deposit for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Code Enforcement Officer.

8. Penalties

- a. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Article shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$ 350.00, or by imprisonment not to exceed twenty (20) days, or by both fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this Article.
- b. In addition to the penalties provided above, the Town Board also may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of these requirements.



At the longest it could take 6 months for a site plan approval.