

**TOWN OF GRANVILLE
SITE PLAN REVIEW LOCAL LAW**

LOCAL LAW NO. 1 of 2018

**ARTICLE I
INTRODUCTORY PROVISIONS**

Section 1.1 -- Enactment and Title. The Town Board of the Town of Granville, Washington County, New York, does hereby ordain and enact the Town of Granville Site Plan Review Law pursuant to the authority specified in Section 1.2 following. The title of this local law is “Town of Granville Site Plan Law”. It may be cited as “Town of Granville Local Law No. 1 of 2018” or “TOG LL1-2018”.

Section 1.2 – Authority. This local law is enacted pursuant to the authority of: (a) Municipal Home Rule Law (“Mun H R”) Section 10(1)(i), which authorizes a Town to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; (b) Mun H R Section 10(1)(ii)(a)(11), which authorizes a Town to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the protection and enhancement of its physical and visual environment; (c) Mun H R Section 10(1)(ii)(a)(12), which authorizes a Town to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the government, protection, order, conduct, safety, health and well-being of persons or property therein; (d) Town Law Section 271, which authorizes a Town to create a planning board and to adopt regulations relating to any subject matter over which the planning board has jurisdiction; (e) Town Law Section 274-a, which confers various powers and obligations upon town boards and town planning boards relating to the review and approval of site plans; (f) Town Law Section 268(1), which authorizes a Town to provide by local law or ordinance for the enforcement of Article 16 of the Town Law and of any local law, ordinance or regulation made thereunder; and (g) the prior resolution(s) and ordinance(s) of the Town Board of the Town of Granville which create the Granville Town Planning Board.

Section 1.3 – Legislative Findings and Purpose.

A. Findings. The Town Board finds that:

1. The Town of Granville is predominantly a rural, residential and agricultural community.
2. A clean, wholesome, attractive environment is important to the health and safety of the inhabitants of the Town and is essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.
3. The preservation of prime farmland, water resources, and environmentally sensitive and scenic areas will positively influence the Town’s economy and encourage economic development.

4. Reasonable supervision and control over the layout and design of certain sites is necessary to provide for the health, safety and general welfare of the Town and its inhabitants.

B. Purpose and Intent. The purpose and intent of this Local Law is to:

1. Protect the value of land throughout the Town;
2. Encourage orderly and beneficial development of land;
3. Prevent the pollution of air and water; to assure the adequacy of proper drainage methods; to provide for the preservation of open spaces; to abate and mitigate nuisances; to encourage the preservation of natural features, topography, and resources; to conserve the Town's agricultural resources and promote the Town's agricultural economy;
4. Minimize traffic congestion, ensure adequate parking, and minimize intrusive development impacts on nearby properties; to ensure access for emergency vehicles (police, fire protection and ambulance service); and
4. Protect, generally, the health, safety and public welfare of the residents of the Town.

This Local Law seeks to assure a balance between development rights and activities and their impacts and the effects of such development activities upon the residents and the environment of the Town, such as by and through the mitigation of potential negative impacts resulting from development activities in certain environmentally sensitive areas, as well as through identifying and minimizing certain adverse effects of unregulated development upon drainage, traffic, public utilities, surface and ground water quality, wildlife habitat and other natural and public resources, and the need for and provision of community services. The Town has determined that certain uses, while allowed, need to be evaluated relative to their suitability to and compatibility with natural site conditions and surrounding land uses. Thus, the intent of this Local Law is to promote the conservation, preservation, and development of the Town, while also helping to prevent and mitigate certain unwanted and deleterious impacts that may arise from the unregulated development of land for certain allowed uses. It is not the intent of this Local Law to allow or disallow any legal land uses, but instead to identify those which may have impacts that can or should be regulated to achieve the goals of this Local Law.

Section 1.4 – Supersession. The provisions of Town Law § 274-a are expressly hereby superseded to the extent required to give effect to the terms, requirements, and procedures set forth in this Local Law, particularly, but not exclusively, as pertains to the timelines for review and the scope of, and requirements for, plans, applications, and maps. No requirements or powers conferred upon the Town under the Town Law, or under any other laws of the State of New York, are waived or superseded by their inclusion or exclusion herein, including, but not limited to, the right of the Town to require the dedication of open spaces, recreational areas, or to require or accept payments in lieu thereof.

Section 1.5 – Definitions.

A. **Word Usage.** For the purpose of this Local Law, words used in present tense include the future; the plural includes the singular; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "occupied" includes the words "designed for occupancy" or "intended to be occupied"; and the word "may" is intended to be discretionary.

B. **Definitions.** As used in this Local Law, the following terms shall have the following meanings unless the context clearly indicates otherwise:

“Accessory Structure” means a secondary structure or use on the same lot or on a contiguous lot in the same ownership which is associated with the principle use or structure, and which is incidental and subordinate to the principle use or structure.

“Agriculture” means the production of crops, livestock and livestock products, aquaculture and woodland products as defined in Section 301 of the Agriculture and Markets law.

“Agricultural Land” means all real property within the boundaries of the Town of Granville currently used for agricultural operations or upon which agricultural operations may in the future be established.

“Agricultural Practices” means those practices necessary for the on-farm production, preparation and marketing of agricultural commodities, when engaged in by a Farmer on Farmland as part of a Farm Operation which meets the definition of “Commercial Agriculture”.

“Alteration, Structural” means to change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; the exit facilities of a structure; or the relocation of a building from one location to another.

“Bond” means a written agreement issued by a qualified agent that guarantees the performance of a certain agreed upon activity or an equivalent consideration if the activity is not completed as required.

“Building Footprint” is the area encompassed by a building’s outer wall at ground level.

“Buffer Area” is the undeveloped, unpaved, natural area or part of a property or an entire property specifically intended to separate and thus reduce the possibility of adverse impact on land or water quality and/or conflicts of land use between two or more areas. Natural vegetative covers existing within the buffer area shall be encouraged to be preserved as part of that buffer to the maximum extent practical. See also stream buffer and streamside vegetated buffer.

“Building” means a structure designed to be used as a place of occupancy, business, storage

or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television and other utility communication towers, mobile homes and modular homes.

“Building Inspector” means that person who shall be the duly elected or appointed officer having the responsibility to issue building permits, certificates of occupancy and other approvals under the New York State Uniform Fire Prevention and Building Code (or any successor code, statute, or regulation for the regulation of building construction and property maintenance in the State of New York) (the “State Building Code”). Said person may be an officer or employee of the County of Washington, if the Town of Granville has delegated its authority to administer and enforce the Code; or an officer of the Town of Granville, if such authority has not been delegated.

“Building Permit” means a building permit, construction permit, demolition permit or permit that authorizes the performance of work, issued by the Building Inspector pursuant to the authority of the State Building Code.

“Certificate of Occupancy” means a certificate of occupancy, certificate of compliance or other certificate granting permission to use or occupy a building or structure or any portion thereof, issued by the Building Inspector pursuant to the authority of the State Building Code.

“Certificate of Site Plan Compliance” means a statement of the Town of Granville, issued by the Local Enforcement Officer, which certifies that a development or Land Use Activity which requires Site Plan Review and Approval, or Modified Site Plan Review and Approval, under this Local Law before being undertaken, and before a Building Permit or Certificate of Occupancy can be issued therefor, (a) has received such Approval from the Planning Board; (b) is then in compliance with the terms and conditions of said Approval (including, without limitation, any conditions requiring the posting of performance bonds or other security for the completion of required infrastructure or other improvements, or the dedication of infrastructure or improvements to the Town); and (c) is entitled, by reason of such Approval and compliance, to apply to the Building Inspector for the issuance of a Building Permit or Certificate of Occupancy under the State Building Code.

“Change of Use” occurs when any use is proposed that substantially differs from the previous use of a building or land. It shall also mean the change of use or occupancy of land, or buildings, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or change in the nature, substance or intensity of the same use including, but not limited to, changes in use which require the issuance of a new Certification of Occupancy pursuant to the New York State Building and Fire Code. Change of occupancy or change of ownership shall not be construed as a change of use.

“Clerk, Town” means that person who shall be the duly elected or appointed Town Clerk of the Town of Granville, who shall collect information from applicants and forward it to the Clerk of the Planning Board with date-received stamp affixed thereon.

“Clerk, Planning Board” means that person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

“Commercial Agriculture” means a Farm Operation which generates not less than \$10,000.00 of gross annual revenue from the sale of Agricultural Products grown or produced in the Town of Granville.

“Commercial Use” means any activity involving the sale of goods or provision of services carried out for profit; and other economic activities including office use for conducting the affairs of a business, profession, service, industry or government, mining, manufacturing, communication facilities, retail, wholesale, warehousing, electric, gas and utility services; industrial uses, large-scale wind turbine facilities, and solar farms.

“Communication Facility” means any telecommunication tower, sending and receiving antennas attached to the tower, and structures containing electronic equipment for that tower. Also includes a Federal Communications Commission (FCC) licensed facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment.

“Common Open Space” means a parcel or parcels of land or an area of water, or a combination of land and water designated and intended for the private or public use or enjoyment of the space, and that may include such appurtenant structures that are necessary to allow the enjoyment of the space. See also definition for Open Space.

“Complete Application for Commencing Site Plan Review” means an application for development which includes all required documents and submittals pursuant to this law.

“Comprehensive Plan” means a document that details an underlying purpose to control land uses for the benefit of the whole community based upon consideration of the community’s problems and applying a general policy to obtain a uniform result and adopted pursuant to NYS Town Law 272-a.

“Consistent in Size and Scale” conveys the Town’s intent that new development be similar to existing development in terms of size, height, bulk, intensity and aesthetics to its surroundings. New and modified structures should match the context established by neighboring buildings.

“Development” means:

- (a) The construction erection or placing of one or more buildings or structures on land; or,
- (b) The making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; or,
- (c) The laying out and establishment of a commercial parking lot, or of a site for Multi-

Family Residential Land Use (as herein defined), or of a site for Multi-Unit Manufactured Housing Land Use (as herein defined); or

- (d) The laying out and establishment of commercial outdoor recreational facilities, including golf courses, driving ranges, sports fields and the like.

“Dwelling Unit” means a building or part of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities.

“Easement” means a deeded authorization by a property owner for the use by another of any part of his property for a specified purpose.

“Electric, Gas and Utility Services” means any private or public agency that provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or similar service.

“Environmentally Sensitive Area” means:

- (a) Any area which is designated as environmentally sensitive by State or Federal agencies, or by local law;
- (b) Any land or land features critical to the maintenance of ecosystems; or
- (c) Any land containing “Sensitive Environmental Features or Areas”; or
- (d) Any land listed or eligible for listing on the National Register of Historic Places.

“Existing Use or Structure” means any use or structure lawfully in existence as of the date this local law was enacted by the Town of Granville.

“Expansion” means an enlargement of, or addition to, an existing structure or a paved area, including driveways, parking areas and sidewalks.

“Family” means one or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage or adoption, occupying the premises and living as a single non-profit housekeeping unit. The term “Family” shall not mean a group occupying a boarding or similar dwelling for group use.

“Farmland” means land used in agricultural production, as defined in Section 301(4) of Article 25AA of the State Agriculture and Markets Law, by a Farmer who is engaged in the business of Commercial Agriculture.

“Family” means a person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

“Farmer” means any person, organization, entity, association, partnership, limited liability company or corporation engaged in the business of Commercial Agriculture, including the cultivation of land, the raising of crops, or the raising of livestock.

“Farm Operation” means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of Article 25-AA of the New York State Agricultural Districts Law and "timber processing" as defined in subdivision fourteen of Article 25-AA. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

“Farm Stand” means a temporary use of a structure including small buildings, carts, wagons or stands for the display and sale of farm products, and not more than 600 square feet in size.

“Floodplain, 100-year” means the land within a community subject to a one-percent (1%) or greater chance of flooding in any given year. This is also commonly referred to as base floodplain or 100-year floodplain.

“Hazardous Substance” means any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

“Heavy Industry” means any use or activity which generates significant volumes of smoke, odors, noise, or polluting wastes and is not compatible with other uses in the Town. Examples of “heavy industry” which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this Law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses not intended to be included in the definition of “heavy industry” are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehouses; equipment repair and maintenance facilities; parking lots and

parking garages; light manufacturing or light industrial facilities (as defined elsewhere in this Law); agriculture; and surface gravel and sand mining. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

“Home Occupation” means a business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises.

“Industrial Land Use” means a use which meets the definition of Heavy Industry or Light Industry.

“Institutional Land Use” means any governmental, civic, charitable, quasi-public or religious use, including, without limitation, use as a church, cemetery, hospital, library, school, auditorium, correctional facility, group home, foster care facility, convent, nursing facility, hospice care facility, student housing facility, elderly care or housing facility, or scientific research facility.

“Local Enforcement Officer” means the person or persons appointed by the Town Board to enforce the provisions of this Local Law, or his or her duly authorized representative.

“Land” means the earth, water and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

“Land Disturbance Activity” means any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands or rights-of-way within the Town of Granville, including, but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, excluding, however:

- (a) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land;
- (b) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- (c) Emergency work to protect life, limb, or property and emergency repairs; or
- (d) Agricultural Practices, as defined in this Law.

“Land Use Activity” means any construction or other activity which changes the use or

appearance of land or a structure or the intensity of use of land or a structure. “Land use activity” shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

“Large Scale Wind” means a wind turbine facility supplying energy into a utility grid for wholesale or retail offsite sale or consumption.

“Light Industry” means any use in which a product is manufactured but the manufacturing process and facility have minimal impact on the property where the manufacturing takes place and almost none on adjacent properties, with qualities including:

- (a) No creation of noise, vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- (b) No change to the character of the surrounding neighborhood;
- (c) Adequate screening of outside storage of goods, materials, or equipment;
- (d) Signs limited in size;
- (e) No chemical, metal, or hazardous waste, or potential contamination of surface or groundwater.

“Lot” means a parcel of land having a distinct and defined boundary as described in a deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as may be required by these regulations, and having frontage on an existing or proposed road.

“Manufacturing” (see Light Industry).

“Mixed Use Land Use” or “Mixed Use” means a Lot or Building or Structure developed for two or more different uses, such as, but not limited to, residential, retail, office, industrial, commercial, public, or institutional.

“Mining” means any excavation from which 1,000 tons or 750 cubic yards or more, of ore, sand, gravel, clay, stone, loam, humus or topsoil within a period of twelve (12) successive calendar months produced for sale or exchange or for commercial, industrial or municipal use or for use other than on the property from which the material is extracted. (Soil mining shall also include any activity requiring a permit from DEC pursuant to Article 23 of the Environmental Conservation Law.)

“Mobile Home Park” has the meaning provided in the Mobile Home, Travel Trailer and Public Campground Law of the Town of Granville (TOG LL102012), as the same may hereafter be amended from time to time, or in any successor local law thereto.

“Modification” means rearrangement of Site layout or an exterior alteration to an existing

structure (including any changes to a building facade, except replacement in kind).

“Multi-Unit Manufactured Housing Land Use” means two (2) or more Manufactured Homes located on one (1) Lot, each containing one (1) or more dwelling units and designed or used for occupancy by individuals, families or other groups of persons (whether related or not).

“Multi-Family Residential Land Use” means:

- (a) A building or group of buildings (including townhouses, condominiums or cooperatives) located on one (1) Lot, each containing three (3) or more dwelling units and designed or used for occupancy by individuals, families or other groups of persons (whether related or not) living independently of each other; or
- (b) Two (2) or more buildings located on one (1) Lot, each containing one (1) or more dwelling units and designed or used for occupancy by individuals, families or other groups of persons (whether related or not).

“Nuisance” means a ‘nuisance’ as that term is defined in Town of Granville Local Law #3, 2011, as currently in effect and as hereafter amended or supplemented from time to time.

“One Family Dwelling” means a complete self-contained residential unit for permanent habitation by one family only and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

“Open Space” means any land which is not covered by buildings, placement, open storage, mining operations or any other use that visually obscures the natural or improved landscape.

“Planning Board” means the Town of Granville Planning Board.

“Planning Board Clerk”: *See* Clerk, Planning Board

“Principal Use” means the main use of a lot or structure.

“Public Campground” has the meaning provided in the Mobile Home, Travel Trailer and Public Campground Law of the Town of Granville (TOG LL102012), as the same may hereafter be amended from time to time, or in any successor local law thereto.

“Retail” means an establishment engaged in the selling or rental of goods or merchandise.

“Reconstruction” means construction of buildings or site plan improvements following total demolition of a previous development.

“Secondary Farm Use” means a farm-related activity, considered to be part of the principal farm operation and used to support or diversify the primary farm operation including use

of farm for wedding events, restaurant, permanent retail sales, and farm stays such as bed and breakfasts or inns. All secondary farm uses shall meet the definition of farm operation as determined by the New York State Department of Agriculture and Markets and shall require a modified site plan review as per this local law.

“Sensitive Environmental Features or Areas” refers to natural resource locations that have a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental features and areas have been inventoried, mapped or identified as being locally, regionally, nationally or globally significant for its rarity and/or degree of vulnerability. Typical examples include but are not limited to: wetlands, streams/river corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or endangered species.

“SEQRA (State Environmental Quality Review)” means the review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

“Shoreline” or “Streambank” means the mean high water mark of any lake, pond, river, or permanent stream.

“Single Family Dwelling” (See One Family Dwelling”)

“Site Improvement” means landscaping, planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other accessory structures, devices or landscape materials on the Site.

“Site Plan” means a rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

“Slope” means the vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet, said horizontal distance ordinarily to be the natural course of stormwater runoff.

“Solid Waste Disposal Facility” means any location or facility used for the disposal of solid, semisolid, and liquid wastes including but not limited to garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes, and including solid waste processing facilities as a secondary activity in conjunction with a disposal operation.

“Solid Waste Processing Facility” means any facility designed to recover reusable resources from solid waste. Such facilities may include, but are not limited to, scales, shredders, material separators, compactors, and energy recovery systems.

“Solid Waste Transfer Facility” means a facility for receiving and temporarily holding solid wastes for transfer to a solid waste disposal or solid waste processing facility. A solid waste transfer facility may include scales, compactors, wash racks, facilities for the transfer of solid wastes from smaller to larger containers or vehicles for transport, and facilities for incidental separation of recoverable resources.

“SPDES General Permit for Construction Activities GP-O2-01” means a permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

“Solar Facility” means a solar energy system that produces energy primarily for supplying energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics, solar thermal devices or other solar technologies, and whether ground-mounted or building-mounted. A community solar project shall be considered a solar facility.

“Stormwater Pollution Prevention Plan (SWPPP)” means a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

“Structure” means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

“Structure, Accessory” means any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free-standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

“Town Attorney” means the Town Attorney of the Town of Granville, or an attorney retained by the Town Board or Town Planning Board to render legal advice and assistance.

“Town Engineer” means the Town Engineer of the Town of Granville, or an engineer retained by the Town Board or Town Planning Board to render engineering advice and assistance.

“Town of Granville” means the Town of Granville, a municipal corporation and political subdivision of the State of New York located in Washington County.

“Town Board” means the Town Board of the Town of Granville.

“Town Planning Board”: *See* Planning Board.

“Town Clerk”: *See* Clerk, Town.

“Town Planning Board”: *See* Planning Board.

“Two Family Dwelling” means two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

“Unique Natural Area” means an area of Land which has been designated by the Town Board as having outstanding environmental qualities deserving of special attention for preservation and protection. To classify an area as a Unique Natural Areas, at least one of the following five criteria must be met:

- (a) Important Natural Community: State-designated wetlands, old forests, diverse plant and animal populations, etc.; or
- (b) Quality of Example: Best representatives of natural communities or resources in Washington County; or
- (c) Rare or Scarce Plants or Animals: Identified at the global, state or local level; or
- (d) Geological Importance: Unique formation or paleontological site; or
- (e) Aesthetic/Cultural Qualities: Outstanding scenic beauty, recreational values, historic or archeological significance.

“Use” means any purpose for which a lot, structure or tract of land may be designated, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

“Utility” means an agency that has a public franchise in or is a regulated enterprise that has a grant of authority by New York State to provide a regulated public service.

“Warehousing” means terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

“Wholesale” means an establishment or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies.

“Wind Facility” means an energy system that produces energy primarily for supplying energy into a utility grid for wholesale or retail offsite sale or consumption generated by wind turbines.

C. Undefined Terms. Words and phrases used in this Local Law which are not defined in

subsection 1.5 B above, shall be construed according to the common and approved usage of the language as found in dictionaries, but technical words and phrases not otherwise defined in this Local Law that may have acquired a particular meaning in law shall be construed and understood according to such meaning.

ARTICLE II APPLICABILITY, EXEMPTIONS AND REVIEW STANDARDS

Section 2.1 – General Authorization. The Town Planning Board is hereby authorized to review and approve, approve with modification, or disapprove Site Plans in accordance with the provisions, standards and requirements of this Local Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are related or incidental to a proposed Site Plan. Upon approval of the Site Plan, any conditions must be met before the issuance of any permits unless expressly stated otherwise upon the Site Plan or in any Planning Board approval of such Site Plan.

Section 2.2 -- Applicability of Review Requirements.

- A. Site Plan Review and Approval Required. The following Development and Land Use Activities shall require Site Plan Review and Site Plan Approval before being undertaken, and before a building permit or certificate of occupancy can be issued therefor:
1. New Uses. All newly developed or constructed Sites for which one or more of the following categories of land use or types of facilities is proposed:
 - (a) Commercial Land Use;
 - (b) Industrial Land Use;
 - (c) Institutional Land Use;
 - (d) Mixed Use Land Use;
 - (e) Mobile Home Park;
 - (f) Multi-Family Residential Land Use;
 - (g) Multi-Unit Manufactured Housing Land Use;
 - (h) Public Campground;
 - (i) Solar Facility;
 - (j) Solid Waste Disposal Facility;
 - (k) Solid Waste Processing Facility;
 - (l) Solid Waste Transfer Facility;

- (m) Wind Facility;
 - (n) Staging, storage or parking areas for vehicles, equipment, or materials, whether temporary or permanent, that are established as a result of a Land Use Activity which requires Site Plan Review and Site Plan Approval under this Local Law.
2. Alterations of Existing Uses. All Development and Land Use Activity involving:
- (a) A change of use or conversion of an existing Site, Structure or Accessory Structure from agricultural, residential, commercial, mixed use, industrial or institutional to another use, or a material increase in the intensity of the same use. For purposes of this subsection, a material increase in the intensity of an existing use shall mean any change that would potentially result in a material increase in traffic, noise, odors, or exterior ambient light levels on the site of adjacent properties; or
 - (b) A material alteration, Expansion, addition, deletion, structural change or Site change to an existing land use, including, but not limited to, construction of new structures or Site Improvements upon a Site; reconstruction, Modification or Expansion of existing structures or Site Improvements upon a Site; changes or alterations to exterior Site features; changes in parking layout, driveways, parking areas, parking lots and sidewalks; or demolition of structures or Site Improvements.

A project shall not be considered an alteration of an existing use if it is one or a combination of the following:

- (i) Replacement in kind only;
- (ii) Interior construction only;
- (iii) Infrastructure maintenance only; or
- (iv) An exempted use under Section 2.2 C.

B. Modified Site Plan Review and Approval Required. The following Development and Land Use Activities shall require Modified Site Plan Review and Site Plan Approval pursuant to Section 3.4 of this Local Law before being undertaken, and before a building permit or certificate of occupancy can be issued therefor:

- 1. New Uses. All Development and Land Use Activity involving Secondary Farm Use.
- 2. Alterations of Existing Uses. All Development and Land Use Activity involving:
 - (a) A change of use or conversion of an existing Secondary Farm Use to another Secondary Farm Use, or a material increase in the intensity of the same use. For purposes of this subsection, a material increase in the intensity of an existing Secondary Farm Use shall mean any change that would potentially result in a material increase in traffic, noise, odors, or exterior ambient light levels on the site of adjacent properties; or

- (b) A material alteration, Expansion, addition, deletion, structural change or Site change related to a Secondary Farm Use, including, but not limited to, construction of new structures or Site Improvements upon a Site; reconstruction, Modification or Expansion of existing structures or Site Improvements upon a Site; changes or alterations to exterior Site features; changes in parking layout, driveways, parking areas, parking lots and sidewalks; or demolition of structures or Site Improvements.

A project shall not be considered an alteration of an existing Secondary Farm Use if it is one or a combination of the following:

- (i) Replacement in kind only;
- (ii) Interior construction only;
- (iii) Infrastructure maintenance only; or
- (iv) An exempted use under Section 2.2 C.

C. Site Plan Review and Approval Not Required. The following Development and Land Use Activity shall not require Site Plan Review or Site Plan Approval before being undertaken:

1. Construction or expansion of one- or two-family dwelling.
2. Placement of individual mobile homes or manufactured homes to be used as one-family dwellings.
3. Construction, expansion, or placement of minor accessory/appurtenant residential structures (including, without limitation, garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings) or Site Improvements (including, without limitation, driveways, sidewalks, landscaping, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains or other similar features) related to the use of a one or two-family dwelling or individual mobile or manufactured home, not changing land use or density.
4. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law.
5. Ordinary repair or maintenance or interior alterations to existing structures or uses.
6. Maintenance of existing Site Improvements or natural growth.
7. Exterior alterations or additions to existing residential structures not changing use or density.
8. Agricultural or gardening uses.
9. Signs under 16 square feet.

10. Farm stands and temporary structures related to sale of agricultural produce.
11. Interior alterations that do not substantially change the nature or use of an existing commercial structure.
12. Timber logging.
13. Agricultural land uses and structures and farm operations, except for those Secondary Farm Uses as defined herein requiring Modified Site Plan Review pursuant to Section 2.2 B of this Local Law.
14. Home occupation conducted wholly in a dwelling unit conducted by the owner/operator and no more than two employees on-site and which the exterior evidence of this secondary use, if present at all, is limited to a small sign or lawn plaque. Few customers, clients, or other business associates enter the premises daily. The business does not store business products, equipment or vehicles outside. The enterprise normally produces only household quantities and types of waste and does not involve delivery truck visits or other traffic beyond that expected of a typical residence.
15. Replacement or renovation of building mechanical, plumbing or electrical systems.
16. Repair or replacement of underground storage tanks.

D. Prohibition on Segmentation.

1. In applying the criteria in Section 2.2 of this Local Law, applicants are prohibited from dividing proposed projects into smaller components for purposes of avoiding site plan review requirements. The “whole action” as contemplated by the applicant must be reviewed in a single site plan application.
2. This provision does not prevent an applicant from proposing future expansions not contemplated at the time of the original site plan application.

Section 2.3 -- General Site Plan Review Considerations.

- A. The Planning Board’s review of a Site Plan shall include, as appropriate, but shall not be limited to, the following considerations:
1. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. The overall impact of the proposed Development or facility on the neighborhood, including compatibility of design consideration.
 3. The location, arrangement, appearance and sufficiency of off-street parking and loading.

4. The adequacy and arrangement of vehicular and non-vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, traffic controls, sidewalks and walkway structures, and overall vehicular and pedestrian safety and convenience.
5. Adequate mitigation of the adverse effects of smoke, noise, glare, vibration, odors emissions or noxious and offensive uses. No land use shall generate noises that exceed existing ambient noise levels as measured at the lot line.
6. Adequacy of snow storage.
7. Adequacy of stormwater and drainage facilities.
8. Adequacy of water supply and sewage and waste disposal facilities.
9. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation.
10. The design, layout, and adequacy of access for fire and emergency vehicles, equipment, and personnel.
11. The adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
12. Site restoration for any activities that are proposed to be temporary or short-term in duration.
13. The impacts to or on agricultural resources and active agricultural operations.
14. The impacts to or on neighboring properties, and the mitigation of the same through the imposition of reasonable conditions and/or use of landscaping, screening, and/or buffering.
15. The need for and/or provision of parks, recreational areas, and open spaces, including payments in lieu thereof.
16. Any proposed activity that impacts a Unique Natural Area.
17. The impacts of any proposed activity to or upon an Environmentally Sensitive Area.
18. The proposed hours of operation for any industrial, commercial or mixed use facility.
19. Whether the proposed Development or facility is consistent with a Town Comprehensive Plan, if any.

Section 2.4 -- Specific Standards and Considerations. The following specific standards shall apply in conjunction with the subject uses or in the designated areas:

- A. Water Quality. The following standards are intended to ensure that the quality of water in the Town is not unreasonably adversely affected as a result of new Development. Water quality is also addressed in this Local Law, in part, through sections dealing with erosion and sediment control and stormwater runoff. The Planning Board shall ensure the adequacy of water supply and sewage disposal facilities. Further:
1. Compliance with Applicable Laws and Regulations. All proposed Developments shall comply with the Tomkins County Sanitary Code, the New York State Environmental Conservation Law, the New York State Public Health Law, and the regulations promulgated thereunder at 6 NYCRR and 10 NYCRR respectively, with regard to the design, construction and maintenance of sewerage systems. Plans shall be reviewed by the Washington County Code Enforcement Officer. All County approvals are required prior to issuance of any permits.
 2. Potential Impacts; Mitigation. The potential impact on water quality of the proposed activity shall be identified and mitigation measures proposed. Examples of activity that may raise concerns are: large parking or loading areas without any method of containing oil and sediment deposited on all weather surfaces; storage of petroleum products, hazardous waste, or chemicals on the Site; and the use of fertilizers, pesticides, or other chemicals on large expanses of land or near wells, streams, or drainage ditches. To ensure the long-term water quality in the Town, appropriate management, response and maintenance plans shall be developed, including the construction and maintenance of permanent practices. The Town may require performance guaranties as per Section 5.7 to ensure the proper construction, management, and monitoring of such permanent practices or other mitigation measures.
 3. Wetlands. Wetlands are a natural filter for water, removing sediments and pollutants, and are often a source for groundwater recharge. Wetlands within any site shall be identified. Any proposed disturbance of a wetland, either during or after construction, shall be mitigated and any required permits obtained and provided to the Town.
 4. Construction Methods. The following construction methods shall be incorporated into site plans to the maximum extent possible to protect water quality:
 - (a) Avoid construction on hydric soils, where possible and feasible;
 - (b) Avoid impervious surfaces in favor of pervious surfaces, where possible and feasible;
 - (c) Where appropriate, use bioengineering techniques rather than traditional construction methods to manage water on-site; and

- (d) Establish buffers or adequate setbacks along streams and other watercourses to protect water quality.
5. Streams and Watercourses. The Planning Board shall evaluate the effect of any proposed alteration of streams or watercourses and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that adversely affects the water levels or flow of such watercourses. Such evaluation may be made by the Planning Board in consultation with the Washington County Soil and Water Conservation District, or the NYS DEC. Where the applicant must obtain a stream disturbance or discharge permit from the NYS DEC, Planning Board approval shall be conditional on the NYS DEC's permit approval.
- B. Water Supply. The proposed Development shall have a supply of water adequate for the proposed use(s) without unreasonably adversely affecting the availability of groundwater for other properties. The following standards are intended to ensure that the supply of water is adequate for the proposed Development and will not unreasonably interfere with existing users of the same supply of water, including groundwater and surface waters:
1. A source of water for the proposed Development shall be identified.
 2. All proposed Development shall comply with the latest editions of Recommended Standards for Water Works, (Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers) and Rural Water Supply, (New York State Department of Health).
 3. When the proposed source of water for the Development is groundwater, the Planning Board may require the developer to undertake well and pump tests to determine the adequacy of the supply of groundwater to serve the Development.
 4. When the proposed source of water for a Development is groundwater and the amount of water proposed to be used, drawn, or sequestered exceeds 3,000 gallons upon any one day, or 200,000 gallons in any year, the Planning Board may require the Applicant or developer to undertake studies of such water impacts, including hydro-geological studies to determine the impact of the proposed withdrawal of groundwater on surface waters, surface water flows, aquifers, aquifer capacity and recharge rates, and existing users of the same supply of water.
 5. In determining the need for studies or additional information from the Applicant or developer, the Planning Board shall be guided by the history, if any, of ground water supply problems at the site and in the vicinity of the proposed Development and by any available groundwater or aquifer studies.
- C. Erosion and Sediment Control. The proposed Development shall not result in unreasonable soil erosion, either during construction or after the project is completed, and shall comply

with the Town of Granville Erosion and Stormwater Management and Control Law, if any. The proposed Development shall be designed to provide for proper surface water management through a system of controlled drainage that preserves existing drainage patterns, protects other properties and public roadways, and mitigates water quality impacts to the greatest extent practical. Drainage plans, including any stormwater pollution prevention plan (SWPPP) developed as per NYS DEC regulations, shall be reviewed and approved by the Planning Board prior to project approval and to the greatest extent practical shall:

1. Have drainage systems designed to avoid an increase in peak stormwater volume and velocity.
2. Use permeable surfaces to the maximum extent practical.
3. Use low impact Development (LID) methods using such tools as rain gardens and green swales as per Chapter 5 of the NYS DEC Stormwater Management Design Manual.

D. Transportation and Access, Pedestrian Safety. The Site Plan shall provide for safe movement of vehicles and people. The Planning Board shall ensure that transportation services for pedestrians, bicycles, emergency service vehicles, and motorized traffic are safe, efficient, and designed for proper future maintenance. In order to achieve these goals, the Planning Board may require the developer to prepare and implement a transportation or internal circulation plan. The following shall be addressed and incorporated into site plans to the maximum extent possible to address transportation needs:

1. The site plan shall show consistency with the Town of Granville Highway Specifications and have adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
2. All site plans having frontage or access along a Town road shall be reviewed and approved prior to a final decision by the Planning Board by the Town of Granville Highway Superintendent. Site plan approval shall be conditional upon the applicant obtaining any necessary highway work permits from the jurisdictional permitting authority, eg. state, county, or town highway departments.
3. For road sections to be dedicated to the Town (whether by title in fee or by easement), highways and highway appurtenances (such as, but not limited to culverts) shall be constructed to serve the anticipated traffic and protect the roadway without requiring resurfacing or repair for a period of not less than twenty (20) years.
4. The site shall be designed to provide for:
 - (a) Convenient traffic access and circulation.
 - (b) Traffic control and safety.

- (c) Safe movement of emergency service vehicles on road system and within driveways during all seasons.
 - (d) Adequate sight distances at all intersections, and along and over all curves and hills, and stormwater management.
 - (e) Maintenance of existing street widths and minimize creation of land additions or road widening.
 - (f) Provision for access from a secondary road wherever feasible in cases where sites have frontage on more than one road.
 - (g) Provision of a minimum distance of thirty-five (35) feet between proposed and existing driveways on public roads and combing driveways wherever possible to minimize the number of access points onto public roadways.
 - (h) Provision for a maximum of two (2) driveway entrances per developed lot.
 - (i) Provision for a minimum maintained width of driveways of eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.
 - (j) Adequate turning radius.
 - (k) Streets, access ways, and parking lots shall be laid out so as to promote suitable future connections with the adjoining land where appropriate. To the maximum extent practical, the Planning Board may require cross access between properties to reduce the number of curb cuts and limit the amount of traffic on the main arterial or collector street fronting the Development. The Planning Board may also require use of shared driveways.
5. The Planning Board shall ensure for adequate and safe pedestrian access and circulation, walkway structures, and overall pedestrian convenience.
6. Additional traffic generated shall not exceed the capacity of the highway(s) that serve the Development. Where additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed Development.
- E. Parking. The Planning Board shall ensure that there is sufficient off-street parking and loading space, and shall evaluate the location, arrangement and appearance of parking facilities. The following shall be addressed and incorporated into site plans to the maximum extent possible to address parking:
- 1. Parking standards including, but not limited to those recommended by the Parking Consultants Council, the National Parking Association, or the American Planning

Association may be used as a guideline to determine the base amount of parking required for specific uses as appended to this local law. The Planning Board may require more or allow less parking in situations where the flexible application of these standards is appropriate. Adjustments can and should be made to ensure that parking lots are adequate, but not overbuilt.

2. All parking lots shall provide for adequate parking for handicapped persons.
3. Parking areas may use gravel, crushed stone, other pervious surfaces, concrete or asphalt as may be appropriate for the use proposed.
4. The maximum finished grade for parking areas shall not exceed three percent (3%).
5. All parking facilities shall be maintained throughout the duration of its use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands.

F. Public Services. All appropriate public service providers shall be provided information regarding the proposed Development by the Applicant to ensure consistency of the Development with public service needs. These may include fire protection, emergency medical services, state police, county sheriff, electric and gas utilities, telecommunication services, public transportation services, and the school district. The Planning Board shall identify at the Sketch Plan phase (Section 3.2) which public service providers shall be notified. After notification, the Applicant shall provide proof in writing that the public service providers have been notified of the proposed Development, and shall then provide to the Planning Board copies of all written responses about any issues or concerns identified related to continued provision of services. In addition, the following standards related to public services shall be met:

1. Fire Protection and Emergency Medical Services. The Planning Board shall ensure that there is adequate site accessibility for emergency service vehicles including fire lanes and other emergency zones. The Planning Board may require the provision of fire hydrants. All buildings shall be accessible to emergency vehicles. If the Planning Board deems it necessary, it shall refer the application to an engineer retained by the Planning Board for comment on the proposed access arrangements for emergency services.
2. Utilities of Electricity, Gas, Telecommunications. Newly installed utility service systems, and service revisions shall be installed underground when available. When feasible, existing aboveground utility service systems shall be moved and placed underground. Further, all Development proposals shall take into account the potential future need and impact upon neighboring properties relative to future utility extensions, line and service capacities, and the size and location of any service easements or installations.

G. Flood Hazard Prevention. The proposed Development shall not create new or increase existing flooding hazards in flood hazard zones. In order to prevent inundation by flood

waters, when a Development is within or adjacent to a Special Flood Hazard Area, all Development (including filling, paving, and storage of equipment and materials) shall be in compliance with the local laws including but not limited to Town of Granville Flood Damage Prevention Law and Town of Granville Stormwater Management and Erosion and Sediment Control, if any.

- H. Agriculture. The proposed Development shall minimize impacts on existing agricultural operations or NYS Agricultural Districts, and the following shall be addressed and incorporated into site plans to the maximum extent possible to address agricultural protection:
1. When a proposed activity subject to site plan review is located in or within 500 feet of a certified New York State Agricultural District, the applicant or developer shall complete and submit an agricultural data statement and address the impact the Development will have upon agriculture and agricultural operations. When required, the applicant shall mail written notice to the owners of land identified in the agricultural data statement and provide proof of mailing of the same to the Planning Board. Such notice shall include a description of the Development and its location, and such notice may be sent in conjunction with any other notice(s) required by this local law. The cost of mailing said notice shall be borne by the applicant or developer.
 2. When required by law, a Notice of Intent or other impact statement shall be delivered to NYSDAM in accord with the Agriculture and Markets Law.
 3. The Applicant and Planning Board shall refer to the Town of Granville Agricultural and Farmland Protection Plan and determine consistency of the project with such plan.
- I. Air Quality. Development plans shall comply with air quality standards set forth by the NYS Department of Environmental Conservation and US Environmental Protection Agency thresholds for air emissions.
- J. Landscaping. The Planning Board shall ensure the adequacy, type and arrangement of trees, shrubs and other landscaping to constitute a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. The following shall be addressed and incorporated into site plans to the maximum extent possible to address landscaping:
1. Landscape plantings of shrubs, ground cover, and shade trees, as well as perennials and annuals and other materials, such as rocks, water, sculpture, art, walls, fences, and paving materials, shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of non-invasive plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.

2. Preservation of mature plant species and wildlife habitats, including but not limited to, hedgerows, wetlands, wildlife corridors, trees, and woodlots shall be encouraged and included as a design element in the Development of the site.
3. A buffer zone thickly planted with native trees and shrubs of sufficient width to screen a nonresidential use from a neighboring residential use may be required to minimize adverse impacts.
4. Solid waste facilities and containers, outdoor service areas, and loading docks shall be screened around their perimeter from the street and from other adjacent residential areas through the addition of conifer plantings or architectural elements.
5. All plantings shown on an approved landscape or site landscape or Development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the approved plan's specifications.

K. Sound. The Planning Board shall ensure that no nuisance noise results from the project.

1. Structures shall be located, constructed, and insulated to mitigate on-site noise from interfering with the use of adjacent properties.
2. Methods for blocking noise shall be used where appropriate and may include sound baffles, soundproofing, fencing, walls, and natural buffers, such as berms and landscape planting with deciduous and coniferous trees and large shrubs.
3. The Planning Board may request a noise analysis be conducted to understand the type, frequency, pitch, and decibel levels of noise that may be generated from project. This study shall measure existing ambient sound levels measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and comparing to proposed sound levels. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224, 3-1944, American Standards Association, Inc., New York, New York, and American Standard Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24, 10-1953, American Standards Association, Inc., New York, New York, shall be used.)

L. Lighting. Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting fixtures shall be a type approved by the Planning Board.

1. Exterior lighting shall enhance the building design and the adjoining landscape.
2. The number of luminaires and the intensity of lighting shall be appropriate to illuminate the location for safety, and without glare to adjoining properties and streets. Glare shall be controlled as follows:
 - (a) Light level at the lot line shall not exceed 0.2 footcandles, measured at ground

level.

- (b) Luminaires shall be fully shielded (full cut-off designs) to prevent light from shining beyond the lot lines onto neighboring properties or public ways.
 - (c) The height of the light poles and luminaire shall be minimized but shall not exceed 25 feet.
 - (d) The Planning Board may require incorporation of other “Dark Sky” standards developed by the International Dark-Sky Association (“IDA”), Tucson, Arizona, including, for example, different bulb intensity or color, or meeting the goals and standards expressed in the “Outdoor Lighting Ordinance and Community Standards” Information Sheet #172 and the IDA “Outdoor Lighting Code Handbook.”
3. The operation of searchlights for advertising purposes is prohibited.
4. All lighting (except for security purposes) may be required to be turned off between 11:00 p.m. and 6:00 a.m. The Planning Board may allow all-night lighting, determined on a case-by-case basis, for facilities which are operating or have a demonstrated need for lighting between 11:00 p.m. and 6:00 a.m.
- M. Signs. A sign shall be permitted to advertise uses on site. Signs shall be of such design and construction so as to not disrupt the character of the community. Signs shall conform to the following general design principles.
- 1. Signs should be a subordinate part of the site and as small as practicable.
 - 2. Whenever feasible, multiple signs on a single parcel should be combined into one to avoid clutter.
 - 3. Sign lighting shall not cause glare visible onto any street, sidewalk or any other lot.
 - 4. No sign shall be located so as to project into the public right-of-way or to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilating system or fire escape or to cause any other hazard to public safety.
- N. Sensitive Environmental Features. The Planning Board shall pay particular attention to the location of and adequacy of measures proposed to protect environmentally sensitive areas including but not limited to wetlands, floodplains, steep slopes, and critical habitats. The Planning Board may request an advisory opinion on these matters from the Washington County Soil and Water Conservation District, NYS DEC, or other agencies prior to final decision.
- O. Compatibility with Community Character. The design of any Development should be appropriate to the site’s physical, natural, agricultural, historic, and cultural features and

resources. In order to ensure that new Developments are compatible with the neighborhood and Town, the following shall be addressed and incorporated into site plans to the maximum extent possible:

1. Site plans proposed adjacent to a residential use shall be reviewed with regard to minimizing the impact of the Development on such use. The Planning Board shall encourage the use of a combination of landscaping, buffers, berms, screens, visual interruptions, and common building materials to create attractive transitions between buildings of different architectural styles and uses.
2. Individual buildings shall relate to each other and to traditional structures in the surrounding area in lot placement, scale, height, build-to lines, and connections to harmonize visually and physically with the traditional character of the area. Building designs shall incorporate the following general design principles:
 - (a) Treatment of the sides and rear of all buildings shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings. Windowless walls shall not face a street. For buildings greater than 80 feet in length, facades shall have a façade break or change in roofline to break up long lengths of structure.
 - (b) Rooftop and ground level mechanical equipment shall be screened from public view by the use of materials harmonious with the building or shall be located so as not to be visible from any public ways.
 - (c) When projects involve the renovation/reuse of an existing building, the historic character and architectural elements shall be maintained as may be required by the Planning Board. The Board may engage the services of an architectural advisor to suggest alternatives to harmonize with the character of the area at the applicants' expense.
 - (d) Siting of new buildings shall be based on and emulate existing Development patterns.

Section 2.5 -- Effect On Existing Uses.

- A. This Site Plan Review Local Law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective, except for alterations of existing uses or structures as specified in § 2.2 A (2). Any use or structure shall be considered to be “in existence” as of the effective date of this local law if: (i) a certificate of occupancy has been issued; or (ii) a building permit has been issued and (X) the improvements are fully constructed and completed within one year from the effective date of this local law, and (Y) a certificate of compliance or a certificate of occupancy is duly issued within said one year; or (c) the structure predates the adoption of the NYS Uniform Fire Prevention and Building Code.

- B. Any use which would otherwise be subject to this Local Law, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this law prior to and before any prior or new use is resumed or commenced.
- C. If any Land is sold, assigned, subdivided, or transferred, whether in whole or in part, after such one year of disuse, then all so-called “grandfather rights” shall be, and be deemed, permanently extinguished.

Section 2.6 -- Relationship of This Law to Other Laws and Regulations. This Local Law in no way affects or impairs the provisions or requirements of other federal, state, or local laws and ordinances, or their applicable regulations. Whenever the circumstances of any proposed Development require compliance with this or any other such law or regulation, the Planning Board shall attempt to integrate, as appropriate, Site Plan review with such other requirements, and/or this Local Law shall be considered an initial review procedure relative to other such laws and/or regulations. Where it is determined that there is a conflict with any other such law or regulation, the more restrictive requirements shall apply. All Site Plans, and reviews thereof, shall comply with any other applicable laws, regulations, and rules, including, but not limited to, the requirements of SEQRA.

Section 2.7 -- Uncertain Application. Any Person uncertain of the applicability of the provisions of this Site Plan Review Local Law to a given land use activity may apply in writing to the Town's Planning Board for a written jurisdictional determination. This determination may be appealed by the applicant to the Town Board.

ARTICLE III APPLICATION AND REVIEW PROCEDURES

Section 3.1 – Compliance With Procedures Required. Prior to undertaking any new Land Use Activity which require Site Plan Review and Site Plan Approval under Section 2.1 of this Local Law (or resuming such Land Use Activity after the requisite period of discontinuance), a Site Plan Approval by the Planning Board is required. Applicants must comply with all procedures and requirements of this Local Law. After issuance of an approval for a site plan, and when all requirements of the New York State Uniform Fire and Building Code are met, the Building Inspector may issue a building permit.

Section 3.2 -- Sketch Plan.

- A. Sketch Plan Conference Required. A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The purpose of this conference is to allow the Planning Board and applicant to discuss the proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns, and to generally determine the information to be required on the site plan. The Planning Board may schedule a site visit by two of its representatives to familiarize itself with the parcel and project.
- B. Filing a Sketch Plan. To obtain a sketch plan conference, an applicant shall complete and

file with the Town Clerk, at least ten (10) days prior to the Planning Board's regular meeting, an original and seven (7) copies of a properly completed and signed sketch plan application on an approved form (available from the Town), accompanied by the payment of such fee or fees as may be set by the Town for the filing and processing of a sketch plan application. Said application shall be accompanied by an original and seven (7) copies each of the following:

1. A description and rough sketch showing the applicant's proposed plan, which shall include, at a minimum, (a) the locations and dimensions of principal and accessory structures, parking areas, signs (with descriptions), existing and proposed vegetation, and other planned features; (b) anticipated changes in the existing topography and natural features; and, where applicable, (c) measures and features to comply with flood hazard and flood insurance regulations;
2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent natural features within 200 feet of the boundaries of the parcel; and
3. A topographic or contour map of adequate scale and detail to show site topography. The Planning Board may, in its discretion, accept photographs in lieu of this requirement.

C. Sketch Plan Review. At the sketch plan conference, the Planning Board will review with the applicant the submission requirements (Article III, Section 3.3 or 3.4, as applicable) to determine what specific information is to be presented on and with the site plan. If the Planning Board determines that the proposed project may have problems related to the topography of the site, it may require more detailed topographic, soils, or storm-water management information. The Planning Board will advise the applicant on the appropriate New York State Environmental Quality Review (SEQR) form to be submitted. The Planning Board will also consider and determine any written request made pursuant to Sections 3.3 H (2) or 3.4 J (2) for the waiver of one or more submission requirements.

Section 3.3 -- Site Plan Review.

A. Filing a Site Plan. To apply for site plan approval, an applicant shall complete and file with the Town Clerk, at least ten (10) days prior to the Planning Board's regular meeting, an original and seven (7) copies of a properly completed and signed site plan application on an approved form (available from the Town), accompanied by the payment of such fee or fees as may be set by the Town for the filing and processing of a site plan application. Said application shall be accompanied by an original and seven (7) paper copies, and one (1) digital copy, of:

1. A drawing or drawings prepared in conformance with the specifications set forth in Section 3.3 C, and containing the information therein provided;

2. A SEQRA Environmental Assessment Form (Part 1 completed);
3. Any information specified by the Planning Board at the sketch plan conference (including, without limitation, additional information specified in Section 3.3 D);
4. An Agricultural Data Statement containing the information specified in Section 3.3 G (2) (c); and
5. An Owner's Agency Designation & Authorization Form, if the applicant is not the owner of the property or is not appearing personally before the Planning Board to present the application.

11" x 17" printed sheets (and digital copies thereof) are acceptable for the initial site plan application filing and the initial meeting of the Planning Board at which the application is considered. The Planning Board may, however, require the submission of larger printed paper versions of maps and drawings for use at subsequent meetings.

B. Complete Application; Review Times. The application for site plan approval shall not be considered complete until the Planning Board has deemed the application submittal to be complete. No time frames provided under this Local Law or the laws of the State of New York shall start until the Planning Board deems the application complete.

C. Site Plan Submission Requirements. The submitted site plan and supporting documentation shall include all of the following information, unless specifically waived by the Planning Board at the sketch plan conference:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale of 1:50, and date;
3. Boundaries of the property plotted to scale;
4. Ownership identification of all adjacent lands including across roadways and waterways.
5. Ownership identification of all farm operations if in a NYS Agricultural District and if so, a completed Agricultural Data Statement.
6. Location, size, existing use and all other existing buildings and structures on the parcel;
7. Location and identification of any existing or proposed right-of-way, easements, setbacks, reservations and areas dedicated to public use on site or adjacent to the property.
8. Location of steep slopes, wetlands, floodplain areas, watercourses, and other environmental features on and within 100 feet of the property line.
9. Grading and drainage plan, including drains, culverts, berms, retaining walls,

- fences, etc. showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses;
10. Location, design, type of construction, proposed use and exterior dimensions of all proposed buildings and structures;
 11. Elevations, cross-sections or illustrations of proposed buildings may be required by the Planning Board. When required, elevations and/or cross-sections, illustrating front, rear and side profiles drawn to the scale of one eighth inch equals one-foot shall clearly delineate dimensions of all buildings, building materials and other permanent structures included in the proposal, including the dimensions and height of lighting facilities and signs.
 12. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
 13. Provision for pedestrian access;
 14. Location of outdoor storage, if any;
 15. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
 16. Description of the method of sewage disposal and location, design and construction materials of such facilities;
 17. Description of the method of securing public water and location, design and construction materials of such facilities;
 18. Location of fire and other emergency zones, including the location of fire hydrants;
 19. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
 20. Location, size, design and type of construction of all proposed signs;
 21. Location and proposed development of all buffer areas, including existing vegetative cover;
 22. Location and design of outdoor lighting facilities;
 23. Identification of any noise to be produced;
 24. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
 25. General landscaping plan and planting schedule;
 26. An estimated project construction schedule;
 27. Record of application for and status of all necessary permits from other governmental bodies;
 28. Verification of ownership. For non-owner applicants, a notarized written

permission of the owner(s) that references the proposed land use shall be submitted.

29. Identification of any permits from other governmental bodies required for the project's implementation;
30. Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

D. Additional Site Plan Submission Requirements. The Planning Board may request the submission of additional drawings, studies, data, reports, documents or analysis deemed necessary to properly review and evaluate the applicant's project. By way of illustration, but not of limitation, if, in the opinion of the Planning Board, a project could have traffic, visual, or stormwater impacts, it may require the applicant to submit, at the applicant's sole cost and expense, traffic impact, drainage design reports, visual impact assessment, and/or proposed grading plans as follows:

1. Traffic Report. Traffic Reports shall include the following for the study area:
 - (a) Internal traffic flow analysis;
 - (b) Existing and projected average daily traffic and peak hour levels;
 - (c) Existing and projected intersection levels of service (LOS);
 - (d) Directional vehicular flows resulting from the proposed project;
 - (e) Proposed methods to mitigate the estimated traffic impact;
 - (f) Identification of any pedestrian crossing issues; and
 - (g) The methodology and sources used to derive existing data and estimations.
2. Visual Impact Report. The Visual Impact Assessment shall be prepared by a registered Landscape Architect or other qualified professional and shall include:
 - (a) The Visual Assessment Form pursuant to SEQRA;
 - (b) A report that visually illustrates and evaluates the relationship of proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g. scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements); and
 - (c) An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes. In its discretion, the Planning Board may require use of photo-simulations or balloon tests as part of the visual impact assessment.
3. Stormwater Management Plan. For all developments one acre in size or more, a stormwater plan pursuant to NYS DEC shall be required. The contents of the

stormwater management plan shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. The stormwater management and stormwater pollution prevention plans shall be prepared in compliance with the Stormwater Design Manual of the New York State Department of Environmental Conservation (SPDES), and/or with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations.

4. Engineering Plans. The Planning Board may require, as appropriate and within reason, engineering plans prepared by a licensed professional engineer to illustrate and describe such developmental aspects as: road improvements, stormwater management and drainage systems, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements to be constructed as part of the project.

- E. Segmentation Prohibited. The site plan applications and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

- F. Preliminary Review of Application. The Planning Board shall review all application materials and determine whether the application is complete. If the application is deemed incomplete, the applicant shall be informed of the deficiencies of the application and the application shall not be acted upon until such deficiencies have been corrected. When the application is deemed complete, the Planning Board shall proceed to review and render a decision on the application in accordance with applicable provisions of this Local Law.

- G. Review and Decision.
 1. Public Hearing. Within sixty-two (62) days following the date that the Planning Board deems an application to be complete for review, it shall conduct a Public Hearing on the site plan. This Hearing shall be advertised by a legal notice published in the Town's official newspaper, and posted on the Town's official signboard, at least five (5) days before the Hearing. The Planning Board shall give the applicant at least ten (10) days' notice by mail of the Public Hearing. The Planning Board shall send or require the applicant to send a notice of the Public Hearing to the following persons, by certified mail, return receipt requested, and first class mail, sent at least seven (7) days prior to the Hearing date: (1) the owners

of record of all property which adjoins or abuts the property which is the subject of the application (the “Subject Property”), (2) the owners of record of any property which does not adjoin or abut the Subject Property but is located within 1,000 feet of the boundary of the Subject Property, and (3) those any agricultural operators identified on the Ag Data Statement. If the applicant is required to make these mailings, it shall submit certified mail receipts to the Planning Board. The costs related to any legal notice or mailings shall be borne fully by the applicant.

2. Referrals.

- (a) Coordinated Review. The Planning Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of Federal, State and County agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the New York State Department of Environmental Conservation, and the State or County Department of Health, whichever has jurisdiction.
- (b) Required Referral. Prior to taking the final action on the site plan, and at least ten (10) days prior to the Public Hearing, and where applicable, the Planning Board shall refer the plan to the Washington County Planning Agency for their review and approval pursuant to Section 239-m of the General Municipal Law. Section 239-m is appended to this Local Law.
- (c) Required Agricultural Review. Pursuant to NYS Agriculture and Markets Law 25-aa, an application for a site plan review must also contain an agricultural data statement if any portion of the project is located on property within a New York State certified Agricultural District containing a farm operation, or other property with boundaries within 500 feet of a farm operation located in an agricultural district.

The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

A written notice of such application and date of public hearing shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. The Planning Board shall evaluate the impact of the proposal on existing agricultural operations in that district. The Planning Board may request an advisory opinion from the Washington County Farmland Protection Board, Washington County Soil and Water District, New York State Department of Agriculture and Markets, or other suitable

agencies as needed, with any costs borne by the applicant.

3. SEQRA. No application shall be approved without full compliance with SEQRA (Part 617). No application for site plan review shall be considered complete for Planning Board decision making until either a negative declaration has been issued or a draft environmental impact statement has been accepted.
4. Planning Board Decision. Within 62 days of the close of the Public Hearing, the Planning Board shall render a decision on the site plan. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the site plan is approved, disapproved or approved with modifications. The Planning Board's statement may include modifications to be incorporated in the final site plan. Conformance with such modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.
 - (a) Extension of Time. The time period in which the Planning Board must render its decision on the site plan may be extended only upon mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Planning Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.
 - (b) Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with 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 mail, return receipt requested. Upon approval of the site plan, the applicant shall be eligible to apply for a building permit if one is required.
 - (c) Approval with Modifications. The Planning Board may approve the site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail, return receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all applicable fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Town Clerk. The satisfaction of any modification required by the Planning Board shall be deemed a condition precedent to the issuance of

any Building Permit for the project.

- (d) Disapproval. The Planning Board shall make a written statement if disapproval is the decision. Upon disapproval of the site plan, the Planning Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Planning Board's reasons for disapproval. The applicant shall not be eligible to apply for, or receive, a building permit when a site plan has been disapproved.
- 5. Revocation of Site Plan Approval. Any approval shall expire after eighteen (18) months from the date of such approval unless the applicant shall have obtained all other necessary permits and approvals and commenced, and substantially proceeded with, construction of the project in full conformity with the approved site plan.
- 6. Inactivity by Applicant on Site Plan During Review. Should there be inactivity on the part of the applicant for over one year on any application, the Planning Board shall consider any requested restart as a new application and shall follow all procedures pursuant to this Local Law starting with sketch conference.

H. Waiver of Site Plan Requirements.

- 1. The Planning Board may, by resolution, except or exempt, by waiver, an applicant for site plan approval from any one or more of the requirements of this Local Law, upon a finding that said requirement(s) is/are not necessary to the protection of public health, safety or welfare, or are inappropriate to a particular site plan; provided, however, that no exemption or waiver shall be granted with respect to the following:
 - (a) The Public Hearing and notice of Public Hearing requirements specified in Section 3.3 G (1);
 - (b) The required referral and required agricultural review requirements specified in Sections 3.3 G (2) (b) and (c); or
 - (c) The applicant's obligation to pay any fees, costs or expenses which are provided for in this Local Law.
- 2. All requests for a waiver from any requirements set forth in this Local Law shall be made by the applicant in writing and shall contain a statement as to the grounds upon which the applicant relies for requesting the waiver, including all allegations of any facts on which the applicant will rely. Where the Planning Board finds that a waiver of certain requirements is justified then a waiver may be granted, provided, however, that no waiver shall be granted unless the following conditions are met:
 - (a) The Planning Board finds and records in its minutes that granting the waiver

is justified and would be in accord with the intent and spirit of this Local Law, and is otherwise not adverse to the best interests of the community;

- (b) There are special circumstances involved in the particular case and denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed;
 - (c) The waiver requested and/or granted is the minimum degree of variation from the requirements of this Local Law as is necessary to accomplish the relief found appropriate in connection with such waiver application; and
 - (d) The waiver is approved by the affirmative vote of not less than four-fifths of the members of the Planning Board (i.e., by at least four of the five Planning Board members).
3. The Planning Board may condition the granting of any waiver upon any one or more reasonable conditions or requirements.

Section 3.4 -- Modified Site Plan Review For Secondary Farm Uses.

- A. Applicability. Development and Land Use Activity which qualifies for Modified Site Plan Review and Approval under Section 2.1 B of this Local Law shall be reviewed in accordance with the provisions of this Section 3.4.
- B.. Filing a Modified Site Plan. To apply for Modified Site Plan Approval, an applicant shall complete and file with the Town Clerk, at least ten (10) days prior to the Planning Board's regular meeting, an original and seven (7) copies of a properly completed and signed modified site plan application on an approved form (available from the Town), accompanied by the payment of such fee or fees as may be set by the Town for the filing and processing of a modified site plan application. Said application shall be accompanied by an original and seven (7) paper copies, and one (1) digital copy, of:
 - 1. A drawing or drawings prepared in conformance with the specifications set forth in Section 3.4 D, and containing the information therein provided;
 - 2. A SEQRA Environmental Assessment Form (Part 1 completed);
 - 3. Any information specified by the Planning Board at the sketch plan conference (including, without limitation, additional information specified in Section 3.3 L);
 - 4. An Agricultural Data Statement containing the information specified in Section 3.3 G (2) (c); and
 - 5. An Owner's Agency Designation & Authorization Form, if the applicant is not the owner of the property or is not appearing personally before the Planning Board to present the application.

11" x 17" printed sheets (and digital copies thereof) are acceptable for the initial site plan application filing and the initial meeting of the Planning Board at which the application is considered. The Planning Board may, however, require the submission of larger printed paper versions of maps and drawings for use at subsequent meetings.

- C. Complete Application; Review Times. The application for modified site plan approval shall not be considered complete until the Planning Board has deemed the application submittal to be complete. No time frames provided under this Local Law or the laws of the State of New York shall start until the Planning Board deems the application complete.
- D. Modified Site Plan Submission Requirements. The submitted site plan and supporting documentation shall include all of the following information, unless specifically waived by the Planning Board at the sketch plan conference:
1. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. The parcel boundary and its features to be evaluated as part of the modified site plan may be, but is not required to be on a surveyed or engineered map. The Planning Board is authorized however, to require a survey should it be necessary due to the size, complexity, topography, or location.
 2. Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
 3. The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking, circulation of traffic, and signs.
 4. Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views.
 5. Description of the proposed secondary farm use and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes and describe setbacks or other methods to minimize impacts to adjacent lands, environmental features and water bodies.
- E. Additional Site Plan Submission Requirements. The Planning Board may request the submission of additional drawings, studies, data, reports, documents or analysis deemed necessary to properly review and evaluate the applicant's project. By way of illustration, but not of limitation, if, in the opinion of the Planning Board, a project could have traffic, visual, or stormwater impacts, the Board may require the applicant to submit, at the applicant's sole cost and expense, traffic impact, drainage design reports, visual impact assessment, and/or proposed grading plans as provided in Section 3.3 D of this Local Law.

- F. Segmentation Prohibited. The modified site plan applications and associated maps shall include all proposed phases of development. Approval of a Modified Site Plan shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.
- G. Preliminary Review of Modified Site Plan Application. The Planning Board shall, at the first regularly scheduled meeting held after submission of the modified site plan application, review all application materials and determine whether the application is complete. If the application is deemed incomplete, the applicant shall be informed of the deficiencies of the application and the application shall not be acted upon until such deficiencies have been corrected. When the application is deemed complete, the Planning Board shall proceed to review and render a decision on the application in accordance with applicable provisions of this Local Law.
- H. SEQRA and County Planning Agency Exemptions. A Secondary Farm Use is considered part of the Farm Operation and is exempt from SEQRA and County Planning Agency review.
- I. Review and Decision.
1. Review and Decision With Public Hearing. The Planning Board may conduct a Public Hearing regarding the Modified Site Plan at its discretion. If a Public Hearing is required, it shall be held within sixty-two (62) days following the date that the Planning Board deems an application to be complete for review, it shall conduct a Public Hearing on the site plan. The Hearing shall be advertised by a legal notice published in the Town's official newspaper, and posted on the Town's official signboard, at least five (5) days before the Hearing. The Planning Board shall give the applicant at least ten (10) days' notice by mail of the Public Hearing. The Planning Board shall send or require the applicant to send a notice of the Public Hearing to the following persons, by certified mail, return receipt requested, and first class mail, sent at least seven (7) days prior to the Hearing date: (1) the owners of record of all property which adjoins or abuts the property which is the subject of the application (the "Subject Property"), (2) the owners of record of any property which does not adjoin or abut the Subject Property but is located within 1,000 feet of the boundary of the Subject Property, and (3) those any agricultural operators identified on the Ag Data Statement. If the applicant is required to make these mailings, it shall submit certified mail receipts to the Planning Board. The costs related to any legal notice or mailings shall be borne fully by the applicant.
 2. Review and Decision Without Public Hearing. If the Planning Board elects not to hold a Public Hearing, it shall conduct a review of the Modified Site Plan using only those general and specific site plan considerations and standards specified in Sections 2.2 and 2.3 of this Local Law as are relevant; and shall render a decision

on the modified site plan application within sixty-two (62) days following the date that the Planning Board deems the application to be complete for review.

- (a) Extension of Time. The time period in which the Planning Board must render its decision on the modified site plan may be extended only upon mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Planning Board approval of the modified site plan as submitted or last amended, and shall not be deemed automatic approval.
 - (b) Approval. Upon approval of the modified site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the modified site plan and shall, within five (5) business days of its decision, file with the modified 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 mail, return receipt requested. Upon approval of the modified site plan, the applicant shall be eligible to apply for a building permit if one is required.
 - (c) Approval with Modifications. The Planning Board may approve the modified site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail, return receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all applicable fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the modified site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Town Clerk. The satisfaction of any modification required by the Planning Board shall be deemed a condition precedent to the issuance of any Building Permit for the project.
 - (d) Disapproval. The Planning Board shall make a written statement if disapproval is the decision. Upon disapproval of the modified site plan, the Planning Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Planning Board's reasons for disapproval. The applicant shall not be eligible to apply for, or receive, a building permit when a modified site plan has been disapproved.
3. Revocation of Modified Site Plan Approval. Any approval shall expire after eighteen (18) months from the date of such approval unless the applicant shall have obtained all other necessary permits and approvals and commenced, and

substantially proceeded with, construction of the project in full conformity with the approved modified site plan.

4. Inactivity by Applicant on Modified Site Plan During Review. Should there be inactivity on the part of the applicant for over one year on any application for modified site plan review, the Planning Board shall consider any requested restart as a new application and shall follow all procedures pursuant to this Local Law starting with sketch conference.

J. Waiver of Site Plan Requirements.

1. The Planning Board may, by resolution, except or exempt, by waiver, an applicant for modified site plan approval from any one or more of the requirements of this Local Law, upon a finding that said requirement(s) is/are not necessary to the protection of public health, safety or welfare, or are inappropriate to a particular modified site plan; provided, however, that no exemption or waiver shall be granted with respect to the applicant's obligation to pay any fees, costs or expenses which are provided for in this Local Law.
2. All requests for a waiver from any requirements set forth in this Local Law shall be made by the applicant in writing and shall contain a statement as to the grounds upon which the applicant relies for requesting the waiver, including all allegations of any facts on which the applicant will rely. Where the Planning Board finds that a waiver of certain requirements is justified then a waiver may be granted, provided, however, that no waiver shall be granted unless the following conditions are met:
 - (a) The Planning Board finds and records in its minutes that granting the waiver is justified and would be in accord with the intent and spirit of this Local Law, and is otherwise not adverse to the best interests of the community;
 - (b) There are special circumstances involved in the particular case and denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed;
 - (c) The waiver requested and/or granted is the minimum degree of variation from the requirements of this Local Law as is necessary to accomplish the relief found appropriate in connection with such waiver application; and
 - (d) The waiver is approved by the affirmative vote of not less than four-fifths of the members of the Planning Board (i.e., by at least four of the five Planning Board members).
3. The Planning Board may condition the granting of any waiver upon any one or more reasonable conditions or requirements.

**ARTICLE IV
SECURITY, BONDING AND DEDICATION REQUIREMENTS**

Section 4.1 – Performance Bonds and Other Security.

- A. General. Whenever any permanent infrastructure and improvements are required by any Site Plan (e.g., storm sewers, water supply, sewage disposal, sidewalks, parking, access roads, etc.), a performance bond, irrevocable letter of credit, escrowed payment and escrow agreement, or other security sufficient to cover the full cost of the same, as estimated by the Planning Board, shall be furnished to the Town by the applicant or owner whenever the Planning Board, in its sole discretion, without recourse, shall require the same. The requirements of Town Law §§ 274-a(7) and 277(9) shall apply to this requirement whenever so imposed.
- B. Phased Development. The Planning Board may further request, subject to Town Board approval, that the applicant deposit a separate performance bond or certified check 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. The Town of Granville will not release the performance bond for one phase of development until that phase has been approved. Further, no bond for subsequent phases will be accepted until the prior phase has been approved.
- C. Conditions for Performance Guarantee.
1. The performance guarantee, if required, 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 “Town of Granville” and will be placed in an escrow account established by the Town for this purpose.
 4. No approval(s) shall be granted by the Planning Board until such bond funds are placed in such escrow account.
 5. Upon acceptable inspection and final completion of installation and improvement, the Planning 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 check deposit as designated in the contract to cover the cost of such completed work.

- D. Extension of Time When Performance Guarantee Required. 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 year from the date of approval of the site plan. All construction of new roads and associated improvements including, but not limited to curbs, curb cuts, drainage, and paving, shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Planning Board grant 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, at the end of which time the Town may use as much of the bond or certified check deposit to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction or improvements are not performed in accordance with applicable standards and specifications.
- E. Schedule of Improvements When Performance Guarantee Required. When a certified check or performance bond is issued pursuant to the preceding sections, 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 upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the Town of all construction and installation covered by the check deposit or performance bond.

Section 4.2 – Dedicated Infrastructure and Improvements. Whenever any permanent or temporary infrastructure or improvements are proposed to be subject to dedication to the Town, whether in fee, by easement, right-of-way, or by or through an offer of cessation, or otherwise, including, but not limited to streets, highways, sidewalks, stormwater facilities, parks, recreation areas or trails, etc., the approval of the Town Board as to the method and manner of construction shall be required, together with approval by the Town Board and the Town Attorney as to the method, means, terms, and form of dedication. In all cases, all filing or other fees incurred in such act(s) of dedication shall be a cost to the applicant.

ARTICLE V ADMINISTRATION AND ENFORCEMENT

Section 5.1 – Consultant Review; Reimbursement For Costs.

- A. Authorization For Engagement of Services and Imposition of Fees. The Local Enforcement Officer and Planning Board are authorized to consult with and obtain assistance and advice from such agencies or experts as they deem necessary for any Site Plan review or SEQRA review, including, without limitation, Fire Chiefs, the Town Highway Superintendent and the DOT, the Town Board, the Town Engineer, the Town Attorney, the County Planning Agency, the County Health Department, other local county officials, representatives of federal and state agencies, and architects, engineers, attorneys, surveyors, geologists, hydrologists, biologists and other land use professionals. All

reasonable and necessary consultant review costs shall be paid by the applicant.

- B. Estimate and Payment of Fees. The Planning Board shall make an initial estimate of any actual and necessary reasonable engineering, legal or other consultant review fees required to be paid in order to properly review the application. Such estimate shall be provided to and paid by the applicant for permit approval before an application shall be considered complete for SEQR purposes and prior to any required review of a project by the Planning Board. An applicant shall, as a part of the site plan application, undertake and agree to pay all such consultant review expenses incurred by the Planning Board. If protracted or extended review of a project results in the initial estimate and payment of such consultant review fees being exceeded, the Planning Board shall advise the applicant, who shall thereupon pay the additional estimate for such further actual and necessary expenses.
- C. Payment Before Final Approval. Any engineering, legal or other consultant review charges imposed on an applicant, pursuant to the provisions of this section, shall be paid in full by the applicant prior to the Planning Board being required to make, any final decision with regard to the application pending before it.
- D. Refund of Unused Fees. Any fees or charges paid by an applicant, pursuant to the provisions of this law, which are not necessary to be expended by the Planning Board shall be refunded to the applicant at the completion of the application process.

Section 5.2 – Integration of Procedures. Whenever the circumstances of proposed development require compliance with this Local Law and with any other local law, ordinance or requirement of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Local Law with the procedural and submission requirements for such other compliance.

Section 5.3 – Code Enforcement Officer. The Town Board shall appoint a Local Enforcement Officer to carry out the duties assigned by this Local Law, including those of review and enforcement. The Local Enforcement Officer, or his or her designee, shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board, the Building Inspector, the Town Attorney, Town Engineer and other officials and agencies, as appropriate. The Local Enforcement Officer, or his or her designee, shall not issue a Certificate of Site Plan Review Compliance for any development, Land Use Activity or parcel of land unless the requirements of this Local Law have been met, including any conditions imposed upon any site or Site Plan. If the Planning Board has approved a Site Plan with conditions, all conditions must be met before the Local Enforcement Officer issues a Certificate of Site Plan Review Compliance, unless the Planning Board condition or approval expressly states otherwise.

Section 5.4 – Enforcement.

- A. Unlawful Acts. It shall be unlawful for any person to:
 - 1. Undertake any grading, construction, vegetation removal, or building activities for a project requiring site plan review and approval pursuant to this Local Law without first obtaining the approval of the Planning Board in accordance with the provisions

of this law; or

2. Fail to comply with a written directive, including a stop order and a stop-work order of the Planning Board, Local Enforcement Officer, Town Engineer, Town Attorney, or any agent of the foregoing.

B. Responsible Persons. Where a violation of this Local Law has occurred or exists, the responsible persons shall include the owner of the real property which has been developed; and any contract vendee, lessee or grantee of such owner who knowingly participates in such violation; any agent who has executed an application to the Planning Board on behalf of such owner or contract vendee with respect to such real property and who knowingly participates in such violation; the owner of any lot within the project who undertakes development; and any contractor, subcontractor, builder, construction superintendent, engineer, or other person who knowingly participates in managing, directing, assisting in, or who is otherwise responsible for, the illegal construction or development activities.

C. Administrative Actions.

1. Local Enforcement Officer. The Town Board may, by resolution, from time to time appoint, designate and authorize one or more persons to serve as Local Enforcement Officer with respect to this Local Law. Said Local Enforcement Officer shall have the power and duty to administer and enforce the provisions of this Local Law and the site plan regulations herein contained and shall be authorized to issue summonses or appearance tickets concerning any offense against this Local Law.
2. Notice to Cease and Desist. Whenever the Local Enforcement Officer has reasonable grounds to believe that work on any project subject to Site Plan Approval is occurring in violation of this Local Law or not in conformance with the application or approval issued hereunder or in an unsafe or dangerous manner, it shall promptly notify the applicant and responsible person(s) and direct in writing that such work be suspended. Such order shall describe the conditions under which the work may be resumed and may be served by personal delivery or posting in a conspicuous portion on the parcel and also mailing a copy to the applicant/owner of record by certified mail, return receipt requested. Such person(s) shall immediately cease and suspend the work until the stop-order has been rescinded. No such notice is required to be acknowledged as a prerequisite to a proceeding for criminal sanctions, civil penalties or injunctive relief.
3. Remediation and Abatement. The Local Enforcement Officer may affect appropriate corrective, remediation and abatement measures, including rescission of purchase contracts and lot sales, by means of an enforceable negotiated settlement agreement with the applicant and other responsible persons.

4. Authority to Take Direct Action to Avoid Direct Hazard or Imminent Danger. If, in the opinion of the Local Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, or general welfare of the public, he/she may direct that such violation be immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the applicant. If a person other than the applicant is responsible for the violation, such person shall be jointly and severally liable, together with the applicant for any such costs.
5. Certificates of Compliance or Occupancy. No Certificate of Compliance, Certificate of Site Plan Compliance, or Certificate of Occupancy for any building on a parcel subject to this Local Law may be issued prior to satisfactory completion of the improvements required in the Planning Board's approval of the site plan or any section thereof unless performance and maintenance guarantees pursuant to Article 5 of this Local Law have been posted to assure completion of the improvements before occupancy and use of structures.

D. Fines and Penalties.

1. A violation of this Local Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.
2. Each week's continued violation shall constitute a separate additional violation. The severity of adverse impact to resources and the community, and the degree and frequency of disregard for provisions of this law, shall be considered in determining appropriate penalty.

E. Alternative Enforcement Actions and Remedies.

1. In the case of any violation or threatened violation of this Local Law, the Town may institute any appropriate action or proceeding against the landowner and/or

other responsible person(s) to prevent such unlawful action, to restrain, correct or abate such violation, and to compel compliance with the provisions of this law and any permit, approval or variance issued pursuant to its provisions. The relief specified herein may be sought in addition to an action or proceeding for criminal sanctions or civil penalties.

2. The Town may affect appropriate corrective, remediation, and abatement measures, including rescission of purchase contracts and lot sales, by means of an enforceable negotiated civil settlement agreement or consent order with the applicant, landowners and other responsible persons. Such agreements or orders may require the applicant and other responsible persons to pay a monetary penalty which (i) includes exemplary or punitive damages and (ii) reimburses the actual costs incurred by the Town in connection with its enforcement actions such as attorneys' fees, disbursements and costs of emergency and other corrective and restoration measures. If the monetary payments are not made, they may constitute the basis of a lien charge attachable to the land as a special assessment or charge assessable and collectable on the tax bill associated with the subject land.
 3. Any approval granted under this Local Law 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 the Applicant, shall be void. This section shall not be construed to affect all the other remedies available to the Town under this Local Law.
- F. Approvals Prohibited During Continuation of Violation. Upon any violation of this Local Law by any person or entity, the Planning Board, the Local Enforcement Officer and the Building Inspector shall decline and refuse to issue any approvals, endorsements, certifications, building permits, certificates of occupancy, certificates of compliance, and any similar or other document or approval in relation to the lands affected until the terms, conditions, and requirements of this Local Law have been met or such person or entity is otherwise in compliance with this Local Law.
- G. Duty to Restore Land. Any person or entity that is in violation of this Local Law may be required to restore any land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may commence any one or more civil proceedings in the Town Court, or any other court of competent jurisdiction, to compel, permit, or recover the costs of such restoration.
- H. Rights and Remedies Cumulative. Each and all remedies and rights provided to the Town under this Local Law are and shall be deemed cumulative. The Town's pursuit of any one right or remedy does not effect a waiver or an election of remedies relative to any other right, action, or remedy, and the Town may thereafter pursue or continue to pursue any

other right or remedy it may have in law, equity, or in admiralty. The rights and remedies herein stated are not the exclusive rights and remedies of the Town. The Town reserves all rights to seek compliance or enforcement, including pursuant to and under Town Law § 268 and Executive Law § 362.

Section 5.5 – Construction. The term “shall” is mandatory, and the terms “may” or “should” are permissive. Any word that is gender-referenced shall be construed to include all genders and the neuter. Capitalized words shall have the meanings ascribed to them whenever the meaning or context thereof so admits or requires. Defined words and phrases that are not capitalized shall be presumed to be capitalized and deemed defined words and phrases, unless the context thereof admits or requires otherwise. Caption and Section headings are for convenience of reference only and in no way define, limit or describe the scope or intent of the provisions hereof.

Section 5.6 – Partial Invalidity. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application hereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provisions of this Local Law that are directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed, the remainder of this Local Law shall remain in force and effect, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder hereof, even if, as to particular provisions and persons or circumstances, such portion is severed or declared invalid or unenforceable.

Section 5.7 – Limitation of Town Liability and Indemnification. The Town, and its officers and agents, shall not be liable or responsible for any injuries to persons or damages to property or rights due to the Town’s actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was caused by a willful or intentional act of the Town or its officers or agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

Section 5.8 – Appeals.

- A. **Decision of Planning Board.** Any person aggrieved by the decision of the Planning Board on a Site Plan Application, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Town Clerk. This Local Law does not create any right or remedy under said Article 78 where none otherwise exists or is recognized in law, equity, or admiralty.

- B. Decision of Local Enforcement Officer. Any person aggrieved by the decision or determination of the Local Enforcement Officer may apply to the Town Board for an interpretation of this Local Law. Such aggrieved person shall comply with any appeal procedures as set by the Town Board. The Town Board, upon hearing the appeal, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Local Enforcement Officer and to that end shall have all the powers of the Local Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.

Section 5.9 – Amendments. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable provisions of law. All proposed amendments originating by petition, or by motion of the Town Board, may, in the discretion of the Town Board, be referred to the Planning Board for a report and recommendation. Upon such referral, the Planning Board shall submit its report within thirty (30) days after receipt of the referral. Failure of the Planning Board to report within the time required shall be deemed to constitute a recommendation for approval of the proposed amendment.

Section 5.10 – Conflict With Other Laws. This Local Law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this Law is in conflict with any other such law or regulation, the more restrictive shall apply.

Section 5.11 – Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.