

Chapter 96 SITE PLAN REVIEW

- § 96-1. Statutory authority.
- § 96-2. Title.
- § 96-3. Purpose.
- § 96-4. Authorization and jurisdiction.
- § 96-5. Applicability.
- § 96-6. Effect on existing uses and structures.
- § 96-7. Effect on other provisions.
- § 96-8. Definitions; word usage.
- § 96-9. Compliance required.
- § 96-10. Concept review conference.
- § 96-11. Application requirements.
- § 96-12. Fee.
- § 96-13. Additional costs; payment required.
- § 96-14. General review considerations.
- § 96-15. Specific review standards.
- § 96-16. Public hearing.
- § 96-17. Decision.
- § 96-18. Appeal.
- § 96-19. Enforcement officer.
- § 96-20. Additional regulations.
- § 96-21. Amendments.
- § 96-22. Integration of procedures.
- § 96-23. Penalties for offenses.

§ 96-1 HAMMONDSPORT CODE

[HISTORY: Adopted by the Board of Trustees of the Village of Hammondsport 6-13-1991 as L.L. No. 4-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 42.

Fees — See Ch. 57.

Flood damage prevention — See Ch. 63.

Subdivision of land — See Ch. 104.

Zoning — See Ch. 122.

§ 96-1. Statutory authority.

The Village Board of the Village of Hammondsport, Steuben County, New York, does hereby ordain and enact the Village of Hammondsport Site Plan Review Law pursuant to the authority and provisions of § 10 of the Municipal Home Rule Law and § 7-725 of the Village Law.

§ 96-2. Title.

This chapter shall be known as the "Village of Hammondsport Site Plan Review Law." The Village of Hammondsport is hereinafter sometimes referred to as the "village."

§ 96-3. Purpose.

A. The Village of Hammondsport believes that a clean, wholesome, attractive environment is of paramount importance to the health, safety and general welfare of this

community and that such an environment is deemed essential to the maintenance and continued orderly development of the village and to the general welfare of its inhabitants.

B. This legislation is designed to ensure the optimum overall conservation, protection, preservation, development and use of its natural and man-made resources by regulating land use activity by means of the review and approval of proposed plans for land use activity within the village.

C. Accordingly, the stated purpose of this legislation is to ensure that any proposed development and use of land within the incorporated area of the Village of Hammondsport will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods and to ensure that the health, safety, welfare, comfort and convenience of the public are fully considered, as well as assure that necessary provisions are made for traffic generation, means of access, parking, building placement, protection of adjoining buildings and uses, screening, appropriate preservation of the Keuka Lake view corridor from village streets and residences, general avoidance of unpleasant visual impacts, recreation, signs, sewage disposal systems, water supply, storm drainage, landscaping and architectural intent.

§ 96-4. Authorization and jurisdiction.

A. The Village Board hereby delegates to the Planning Board the authority to review, pursuant to this chapter, including any amendments and modifications thereof, all site plans for those land uses and activities within the village as set forth herein.

B. Specifically, the Planning Board shall have the power to review and approve, approve with modification or disapprove site plans for residential, commercial, industrial and any other development or use of land or lands and buildings and for open land uses and for any change in use or intensity of use which will, or will be most likely to, affect the characteristics of the site in terms of parking, means of access, loading and/or unloading of goods, equipment and/or persons, drainage, utilities or other municipal services.

C. Before application for a building permit for the construction or reconstruction of, addition to or additional development or redevelopment of a residential building, commercial building, industrial building or other development of or use of land or land and buildings, signs as part of sites to be developed or redeveloped or open land uses, the owner shall submit a plan or map of the site to the Planning Board for its review. Each plan or map which is finally approved and which has been endorsed by the Chairman of the Planning Board shall be filed in the official Planning Board file and in the Village Clerk's

office, together with the required number of additional copies as required.

D. Whenever anyone proposes to erect, alter, extend or enlarge a building or structure or to change, enlarge or extend its use, including the land area around it, or whenever anyone proposes to change, enlarge, extend or increase the intensity of any land use, he shall not commence doing so until such proposal has been submitted, in written form, to the Planning Board for its prior review and obtained its approval.

E. Any person who is uncertain as to the applicability of this chapter to a given land use activity may apply, in writing, to the Planning Board for a written jurisdictional determination.

§ 96-5. Applicability.

All land use activities within the village shall require site plan review and approval before being undertaken, except the following:

A. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this chapter.

B. Ordinary repair or maintenance or interior alterations to existing structures or uses.

C. Nonstructural agricultural or gardening uses not involving substantial timber cutting.

D. Garage, lawn and porch sales not exceeding three days. If such sales take place more often than three times in any calendar year, site plan approval will be required.

§ 96-6. Effect on existing uses and structures.

A. Any lawfully erected or placed structure or lawful use in existence as of the date when this chapter becomes effective shall not be subject to its provisions insofar as relates to its status and condition nor to the extent of the actual usage on said effective date. Specifically, it is the intent of this legislation that any proposed change, increase, enlargement or extension of the status and condition and/or any increase in the intensity of the usage of any buildings or land area or land and buildings beyond that which actually existed on the effective date of this chapter shall first require a review hereunder.

Furthermore, any use otherwise subject to this chapter which has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this chapter before such use is resumed.

B. Existing nonconforming residential or commercial uses of land or of buildings or of land and buildings shall not be expanded, nor shall the intensity of their use be increased, without first having received a use variance pursuant to the local Zoning Law.1

C. It is, however, provided that no use of land or of building or of land and buildings which is contrary to the

community's Comprehensive Development Plan shall be permitted.

1. Editor's Note: See Ch. 122, Zoning.

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§ 96-7. Effect on other provisions.

This chapter shall in no way affect the provisions of any other federal, state, county or local laws or regulations. Whenever this chapter is in conflict with any other such law or regulation, the more restrictive shall apply.

§ 96-8. Definitions; word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

FAMILY — One or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

LAND USE ACTIVITY — 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 or land and structure in concert. "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.

ONE-FAMILY DWELLING — 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.

SHORELINE — The mean high-water mark of any lake, pond, river or permanent stream.

STRUCTURE — 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 — Any structure designed to accommodate an accessory use but detached from the principal structure, such as a freestanding garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility; also included in this definition is a dock, deck or other structure, with or without the presence of any principal structure, which is located or placed partially on the land and leads to a place in the water where a boat is or may be moored or provides access for fishing or for any other use, recreational or otherwise.

TWO-FAMILY DWELLING — Two complete but separate self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common roof, wall or ceiling and containing separate rooms and facilities for living,

including cooking, sleeping and sanitary needs.

WATERFRONT AREA — That area bounded generally by Water Street, Mill Street and the southern limits of the lands of the Bath and Hammondsport Railroad Company on the west; the Glenbrook Flume on the north; the Inlet on the south and Lake Keuka on the east.

B. Any term used in this chapter which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

§ 96-9. Compliance required.

Prior to undertaking any new land use activity, except uses specifically excepted in § 96-5 of this chapter, a site plan approval by the Planning Board is required. Applicants for site plan approval should follow the recommended procedures related to the concept review conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this chapter.

§ 96-10. Concept review conference.

This concept review conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his 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. In order to accomplish these objectives, the applicant shall provide the following:

A. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.

B. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, right-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.

C. A reasonably specific written statement as to the proposed scope and extent of any proposed expansion or enlargement of or increase in the intensity of the use of any building or structure or land or buildings/structures and land area adjacent thereto.

§ 96-11. Application requirements.

A. An application for site plan approval shall be made, in writing, to the Chairman of the Planning Board and shall be accompanied by information contained in the following checklist. When the concept review conference is held, the

accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said concept review conference.

B. Site plan checklist. The site plan checklist shall be as follows:

- (1) A title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
- (2) A North arrow, scale and date.
- (3) Boundaries of the property, plotted to scale.
- (4) Existing buildings.
- (5) A grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.
- (6) The location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (7) The location, design and type of construction of all parking and truck loading areas, showing access and egress.
- (8) Provision for pedestrian access.
- (9) The location of outdoor storage, if any.
- (10) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (11) A description of the method of sewage disposal and the location, design and construction materials of such facilities.
- (12) A description of the method of securing public water and the location, design and construction materials of such facilities.
- (13) The location of fire and other emergency zones, including the location of fire hydrants.
- (14) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (15) The location, size and design and type of construction of all proposed signs.
- (16) The location and proposed development of all buffer areas, including existing vegetative cover.
- (17) The location and design of outdoor lighting facilities.
- (18) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- (19) A general landscaping plan and planting schedule.
- (20) An estimated project construction schedule.
- (21) A record of an application for and the status of all necessary permits or variances from other governmental bodies.
- (22) Identification of any permits or variances from other governmental bodies required for the project's execution.
- (23) Other elements integral to the proposed development as may be considered necessary in the particular

case by the Planning Board.

§ 96-12. Fee.

An application for site plan review shall be accompanied by a fee of \$75.

§ 96-13. Additional costs; payment required.

A. All costs incurred by the Planning Board for consultation fees in connection with the review of a proposed site plan shall be charged to the applicant and shall be determined in a manner consistent with the fees charged for these respective services which are then prevailing in the general area of the community. Disbursements chargeable to the applicant shall be those actually, necessarily or reasonably incurred in connection with the particular application under consideration.

B. No final action shall be taken by the Planning Board or by any village official on any application subject to the requirements of this chapter unless and until all fees and deposits required hereunder shall have been paid. Any failure/omission to submit the full payment required shall render the application incomplete.

§ 96-14. General review considerations.

The Planning Board's review of the site plan shall include, as appropriate, but shall not be limited to, the following general considerations:

A. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

B. Adequacy and arrangement of vehicular traffic access and circulation, including street widths, intersections, traffic problems on adjoining streets, pavement surfaces, dividers and traffic controls as well as the proximity to places of public assembly.

C. The location, arrangement, appearance and sufficiency of off-street parking and loading.

D. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

E. Adequacy of stormwater and drainage facilities.

F. Adequacy of water supply and sewage disposal facilities.

G. 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.

H. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

J. Overall impact on the neighborhood, including compatibility of design considerations and/or any actual or potential adverse aesthetic environmental impacts.

K. Documentation that the proposal is compatible with the

objectives of the village's Comprehensive Development Plan.

L. Any other factor found to be detrimental to the public health, safety or general welfare of the community as it relates to one of the specifically enumerated elements which the Planning Board is authorized, pursuant to Village Law § 7-725, Subdivision la, to consider in reviewing a site plan.

M. Appropriate review as may be required by the need to satisfactorily comply with the provisions and requirements of the New York State Environmental Quality Review Act (SEQRA). Until final SEQRA determinations have been made, no final site plan approval shall be granted.

N. At any stage in the review process when there appears to the Planning Board a situation which would not be in conflict with the purposes and policies set forth herein, then, to the extent permitted by law, the Planning Board may, by the affirmative vote of 2/3 of its total voting power, elect to waive its review jurisdiction. Also, an applicant may request the Planning Board to exercise this waiver process.

§ 96-15. Specific review standards.

The following specific standards shall apply in conjunction with the subject uses or in the designated areas:

A. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground- and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project and to generally maintain the existing aesthetic and ecological character of the shoreline.

B. No on-site sewage tile field or seepage pit shall be located within 100 feet of any shoreline, and no septic or other holding tank shall be located within 100 feet of any shoreline, as measured from the normal high-water mark of the waterbody.

C. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an approved disposal system.

D. Any paved or otherwise improved parking, loading or service area within 100 feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

§ 96-16. Public hearing.

The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within 60 days of the receipt of a completed application for site plan review and shall be advertised in the village's official newspaper at least 10 days before the public hearing.

§ 96-17. Decision.

Within 60 days after the conclusion of the public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modification or disapprove the site plan. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

A. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimburseable costs due the village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

B. Approval with modifications. The Planning Board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Planning Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the village, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

C. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Village Clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, together with the Planning Board's reasons for disapproval.

§ 96-18. Appeal.

Any person aggrieved by any decision of the Planning Board or any officer or department, board or bureau of the village may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Village Clerk.

§ 96-19. Enforcement officer.

The Village Board may appoint an enforcement officer to carry out the duties assigned by this chapter or by any additional regulations adopted pursuant to § 96-20 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

§ 96-20. Additional regulations.

The Planning Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this chapter.

§ 96-21. Amendments.

A. The Village Board may on its own motion, on petition or on recommendations of the Planning Board, after public notice and hearing, amend this chapter pursuant to all applicable requirements of law.

B. All proposed amendments originating by petition or by motion of the Village Board shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 60 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 96-22. Integration of procedures.

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this chapter with the procedural and submission requirements for such other compliance.

§ 96-23. Penalties for offenses.

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this chapter or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days, and/or both such fine and imprisonment. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.