

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Prattsville

Town

Village

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JAN 14 2005

MISCELLANEOUS
& STATE RECORDS

Local Law No. 2 of the year 20 04

A local law Providing for review of site plans for certain new land use activities and changes, alterations or expansions of existing land use activities within the Town.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County

City

Town

Village

of Prattsville as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF PRATTSVILLE SITE PLAN REVIEW LAW

**Article I
Introductory Provisions**

Section 1.01 Enactment. The Town Board of the Town of Prattsville, Greene County, New York, does hereby ordain and enact the Town of Prattsville Site Plan Review Law pursuant to the authority and provisions of section 10 of the Municipal Home Rule Law and section 274-a of the Town Law.

1.02 Short Title. This local law shall be known as the "Town of Prattsville Site Plan Review Law." The Town of Prattsville is hereinafter referred to as the "town." The Town of Prattsville Planning Board is hereinafter referred to as the "planning board."

1.03 Intent and Purpose. Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

It is further the intent of this local law to promote overall conservation, protection, preservation, development and use of the natural and man-related resources of the town by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities that will meet the standards set forth in this local law.

1.04 Authorization of planning board to review site plans. The planning board is hereby authorized to review and approve or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

**Article II
Applicability and definitions**

Section 2.01 Applicability of review requirements. All new land use activities, or changes, alterations or expansions of existing land use within the Town of Prattsville, shall require site plan review and approval before being undertaken, except the following:

1. Construction of one- or two-family dwellings and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use subject to review under the provisions of this local law.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to an existing structure which would not change the use of said structure.
5. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
6. Signs under 10 square feet that are neither directly nor internally illuminated.
7. The sale of agricultural produce and temporary structures related to sale of agricultural produce.
8. Garage, lawn and porch sales not exceeding three (3) days. If such sales

exceed three (3) days or take place more often than three (3) times in any calendar year, site plan approval is required.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the planning board for a written jurisdictional determination.

2.02 Effect on existing uses. This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law.

2.03 Relationship of this law to other laws and regulations. This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply.

A Wastewater Treatment Allocation Permit must be obtained per the requirements of Section 1301 of the Sewer Use Law for all buildings to be connected to the wastewater treatment facility in addition to receiving site plan approval.

2.04 Definitions. "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.

"Hamlet" means the area designated by the Town of Prattsville as hamlet area pursuant to the NYCDEP Memorandum

of Agreement, as amended from time to time.

"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, expansion of 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" 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.

"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.

"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.

Any term used in this local law which is not defined hereinabove shall carry its

customary meaning unless the context otherwise dictates.

Article III Site Plan Review

Section 3.01 Procedures – Generally.

Prior to undertaking any new land use activity except for a one- or two-family dwelling and other uses specifically excepted in section 2.01 of this local law, a site plan approval by the planning board is required. Site plan approval is required prior to the issuance of a building permit. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Pursuant to section 7209 and 7307 of the New York State Education Law, the site plan shall be prepared by a landscape architect, architect, professional engineer or land surveyor licensed in the State of New York. Applicants must comply with all other procedures and requirements of this local law.

The Planning Board reserves the right, prior to issuance of final site plan approval, to require that application(s) be submitted to or approval be obtained from any other government agencies or authorities where such approvals might impact the site plan.

3.02 Sketch Plan 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 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:

1. 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, and NYCDEP 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 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.

3.03 Application Requirements. 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 on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference.

Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of the property plotted to scale;
4. Existing buildings;
5. Location and ownership identification of all adjacent lands as shown on the latest tax record;
6. Location, name, and width of existing adjacent roads;
7. Location, width, and identification of all existing and proposed rights-of-

- way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property;
8. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses;
 9. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
 10. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
 11. Provision for pedestrian access;
 12. Location of outdoor storage, if any;
 13. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences. If applicable, applicant will submit approved NYCDEP stormwater management plan;
 14. Description of the method of sewage disposal and location, design and construction materials. If the proposed building is to be connected to the wastewater treatment facility, the applicant shall attach an application for a Wastewater Treatment Allocation Permit per the requirements of the Town Sewer Use Law.
 15. Description of the method of securing potable water and location, design and construction materials of such facilities;
 16. Location of fire and other emergency zones, including the location of fire hydrants;
 17. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 18. Location, size and design and type of construction of all proposed signs;
 19. Location and proposed development of all buffer areas, including existing vegetative cover;
 20. Location and design of outdoor lighting facilities;
 21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
 22. General landscaping plan and planting schedule;
 23. An estimated project construction schedule;
 24. Identification of any permits from other governmental bodies required for the project's execution, including NYCDEP, and the status of each;
 25. Short or Full Environmental Assessment Form, at the discretion of the Planning Board, or a Draft Environmental Impact Statement, including such supplemental studies and/or information necessary to describe potential impacts of the project on the human and natural environment.

3.04 Required Fee. An application for site plan review shall be accompanied by a fee in the amount of \$125.00.

3.05 Reimbursable costs. Cost incurred by the planning board for consultation or review fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant and/or with the environmental review of the subject project. Such expenses shall be estimated by the Planning Board, and a deposit in the amount of such estimate shall be paid to the town and placed in an escrow account to be drawn upon by the Planning Board as expenses are incurred. Such estimate and deposit may be modified during the site plan review process, and the applicant may be required to place more funds at the disposal of the Town for this purpose. Such deposits shall be prerequisite to the commencement or continuance of the review of the applicant's project.

Article IV Review Standards

Section 4.01 General standards and considerations. The planning board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations;

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Buildings shall be setback from the street consistent with existing buildings.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading. Parking will be located to the rear of buildings, or if that is not possible, to the side with the lot screened from the street. Parking lots should contain no more than necessary to satisfy 85% of the anticipated peak parking demand. Curb cuts and interruptions of pedestrian space shall be kept to a minimum.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of sewage disposal facilities:
 - a. For buildings to be connected to the wastewater treatment facility, a valid Wastewater Treatment Allocation Permit per the Town Sewer Use Law must be obtained in addition to site plan approval;
 - b. For buildings that will not be connected to the wastewater treatment facility, the applicant must demonstrate that soils are adequate for an on-site disposal system.
7. Adequacy of water supply, whether from public or private on-site sources.
8. 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.
9. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
10. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
11. Lighting shall conform to the following standards:
 - a. Lighting fixtures shall be a type in compliance with existing state and local regulations.
 - b. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and to protect the surrounding community from the "halo effect."
 - c. The style of the light and light standard shall be consistent with the architectural style of the building.
 - d. The height of free-standing lights should not exceed twenty (20) feet.
 - e. The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed, unless the Planning Board determines in unique situations that this requirement is not feasible.
11. Where practical, all utilities for new construction shall be installed underground. Where practical, this is required for existing structures undergoing major reconstruction.
12. To protect and enhance the historic ambiance of the hamlet of Prattsville,

the following guidelines will be followed where practical:

- Historic structures visible from the public ways shall be protected from major alteration or removal in the process of redevelopment or rehabilitation.
 - Design elements for new commercial buildings shall include brick or clapboard exteriors, gabled roofs, porches or porticos, façade breaks on larger buildings, and windows that break up flat walls that front on streets.
 - Significant exterior historic features shall be retained
14. Signs of solid materials, generally painted wood or metal, with lights that shine on the sign will be consistent with the general atmosphere of the community. Directly or internally lighted signs—neon tube signs or interior lighted plastic signs—are prohibited.
 15. Overall impact on the neighborhood including compatibility of design considerations.
 16. Facilities shall not generate fumes or smoke that are obnoxious, unhealthy or interfere with surrounding land uses.

4.02 Consultant review. The planning board may consult with the enforcement officer, the Town Board, other local and county officials and/or the Board's designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the USDA Natural Resources Conservation Service (NRCS), New York State Department of Transportation (NYSDOT), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH), New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), United States Army Corps of Engineers (ACOE), and the New York City Department of

Environmental Protection (NYCDEP) to assist in the review of the site plan.

Article V

Public hearing and planning board decision

Section 5.01 Public Hearing. The planning board shall conduct a public hearing on the site plan. Such hearing shall be held within 62 days of the receipt of the complete application for site plan approval and shall be advertised in the town's official newspaper, or if there is none, in a newspaper of general circulation in the town at least five (5) days before the public hearing.

5.02 Planning board action on the site plan. Within 62 days of the close of said public hearing, the planning board shall render a decision. In its decision the planning board may approve, approve with modifications 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.

1. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, 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 town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
2. Approval with modifications. The planning board may conditionally approve the final site plan. A copy of 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 town, the planning board shall endorse its approval on a copy of the revised site plan and shall immediately file it 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.

3. Disapproval. Upon disapproval of the site plan the decision of the planning board shall immediately be filed with the town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the planning board's reasons for disapproval.

Article VI

Miscellaneous provisions.

Section 6.01 Enforcement officer. The town board may appoint an enforcement officer to carry out the duties assigned by this local law or any additional regulations adopted pursuant to section 7.02 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.

6.02 Further regulations by planning board. 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 local law.

6.03 Amendments.

1. 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 requirements of law.
2. All proposed amendments originating by petition, or by motion of the town board, shall be referred to the planning board for a report and

recommendation thereon. The planning board shall submit its report within forty-five (45) days after the planning board meeting at which such referral is received. Failure of the planning board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

6.04 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 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. Site plan review procedures may be modified by the planning board and applicant as mutually agreed in order to facilitate review under such other local law, ordinance or requirement.

6.05 Enforcement. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or by penalty of one thousand dollars (\$1,000) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue.

The Town is hereby authorized to seek injunctive relief requiring the cessation of any and all violation of this local law.

6.06 Severability. The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section,

paragraph or provision(s) adjudged
invalid, and the rest of this local law shall
remain valid and effective.

Application for Site Development Plan Approval

Preliminary Date: _____ Final Date: _____
(Check appropriate box)

Name of proposed development _____

Applicant:

Name _____
Address _____

Telephone _____

Plans prepared by:

Name _____
Address _____

Telephone _____

Owner (if different):

(If more than one owner, provide information for each)

Name _____
Address _____

Telephone _____

Name _____
Address _____

Telephone _____

Ownership status, i.e., purchase options _____

Location of site _____

Tax map description

Section _____ Block _____ Lot _____

State and federal permits needed (list type and appropriate department) _____

Proposed use(s) of site _____

Total site area (square feet or acres) _____

Anticipated construction time _____

Will development be staged? _____

Current land use of site (agriculture, commercial, undeveloped, etc.) _____

Current condition of site (buildings, brush, etc.) _____

Character of surrounding lands (suburban, agriculture, wetlands, etc.) _____

Estimated cost of proposed improvement \$ _____

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable) _____

Site Development Plan Review Checklist

Proposed Development:

Name _____

Applicant:

Name _____
Address _____

Telephone _____

Procedural Sequence:

Initial contact with enforcement officer

Sketch plan conference

Application

Fee paid: Amount \$ _____

Public hearing notice

Public hearing

Tentative action:

Approval _____

Approval with modifications _____

Disapproval _____

Resubmitted _____

Lapse date for final approval

Revised application

Referral

Comments returned

Final Action:

Approval _____

Approval with modifications _____

Conditions satisfied _____

Disapproval _____

Resubmitted _____

Building permit granted

Date:

Site Development Plan Review Checklist

General Standards and Considerations

Land use, zoning, ownership and physical improvement of adjacent properties _____
Conformity with comprehensive plan _____

Impact on environs:

Land use _____
Transportation _____
Community facilities and services _____
Aesthetics _____
Environmental, i.e., air, water, noise, etc. _____
Energy conservation _____
Historic preservation _____
Environmental impact statement _____

Existing, on-site physical improvements _____

Existing natural features:

Geologic features _____
Soil characteristics _____
Topography _____
Vegetation _____
Hydrologic features _____

Proposed developments:

Grading and drainage plan _____
Buildings and other structures _____
Improvements such as parking, storage and recreation areas _____
Vehicular and pedestrian ways including ingress and egress _____
Utility lines and appurtenances _____
Outdoor lighting and public address systems _____
Outdoor signs _____
Landscaping plans _____
Architectural plans _____
Materials specifications _____
Construction schedule _____

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Mildred Harkness
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 01-10-05

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Kenn M. Yang
Signature

Special Counsel to the Town
Title

County
City of Prattsville
Town
Village

Date: 12/20/04

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 04 of the (County)(City)(Town)(Village) of Prattsville was duly passed by the Town Board on December 13 2004, in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20 _____, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.