

Chapter 118
SITE PLAN REVIEW

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[HISTORY: Adopted by the Town Board of the Town of Ephratah 11-10-2010 by L.L. No. 3-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 84.
Junk and junkyards — See Ch. 93.

Mobile and manufactured homes — See Ch. 98.
Subdivision of land — See Ch. 130.

§ 118-1. Enactment.

The Town Board of the Town of Ephratah, Fulton County, New York, does hereby ordain and enact the Town of Ephratah Site Plan Review Law pursuant to the authority and provisions of § 10 of the Municipal Home Rule Law and § 274-a of the Town Law.

§ 118-2. Title.

This chapter shall be known as the "Town of Ephratah Site Plan Review Law." The Town of Ephratah is hereinafter referred to as the "Town."

§ 118-3. Intent and purpose.

- A. The purpose of this chapter is to maintain the rural, natural and scenic qualities of the Town and 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.

- B. The intent of this chapter is to ensure that the optimum overall conservation, protection, preservation, development and use of the natural and man-made resources of the Town by regulating development within the Town through review and approval of site plans.
- C. In order to accomplish this objective, this chapter establishes standards for preserving water quality, controlling air quality and traffic congestion, controlling stormwater ensuring site access for emergency vehicles, maintaining a safe road network, providing adequate water supply, providing for a safe and proper means for sewage and solid waste disposal and guarding of neighboring property owners against intrusive development impacts.

§ 118-4. Planning Board authorization to review site plan.

The Planning Board of the Town of Ephratah is hereby authorized to review and approve, approve with modifications or disapprove site plans for land uses within the Town as hereinafter designated pursuant to and in accordance with the guidelines and procedures set forth in this chapter.

§ 118-5. Definitions.

- A. For the purpose of this chapter, words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word "lot" includes the word "plot"; the word "structure" includes the word "building"; the word "occupied" includes the words "designated or intended to be occupied"; the word "used" includes the words "arranged," "designed" or "intended to be used." "Shall" is used in the mandatory and not in the discretionary sense.
- B. Unless otherwise specifically denoted below, words or phrases used in this chapter shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this chapter its broadest and most reasonable application.
- C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A structure subordinate to the principal structure on the same lot and serving a purpose incidental to the principal structure.

COMMERCIAL — Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreational facilities or activities for fee.

DWELLING — A structure designed and used as the living quarters for one or more families, but not including a building or mixed occupancy.

- (1) **ONE-FAMILY DWELLING** — A dwelling with one dwelling unit used exclusively for occupancy by one family. Includes modular home. Excludes manufactured home.
- (2) **TWO-FAMILY DWELLING** — A dwelling with two dwelling units. Includes modular home. Excludes manufactured home.

(3) **MULTIFAMILY** — A dwelling with three or more dwelling units.

DWELLING UNIT — A dwelling or a portion thereof providing complete living facilities, including cooking, sanitary and sleeping facilities, for one family.

HOME OCCUPATION — A business conducted entirely within a dwelling by the residents of said dwelling which business is clearly secondary to the use of the dwelling for living purposes and which said business does not change or impact the character of the neighborhood.

INDUSTRIAL — The use of land or a structure for the manufacturing, processing, fabricating, finishing, blending or assembly of raw materials, parts, goods, substances or any combination thereof.

INSTITUTIONAL — A use or structure that provides public services, operated by the federal, state or local government, public or private utility, public or private school or colleges, church or tax-exempt organization.

MANUFACTURED HOME — A structure transportable in one or more sections with a trailer hitch and permanent chassis and which is built in compliance with federal regulations or built prior to June 15, 1976, and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, ventilating and electrical systems contained therein. Manufactured homes are certified by the Federal Department of Housing and Urban Development and shall have a seal affixed to them attesting to such. The term "manufactured home" shall include a manufactured home and travel trailer but shall not include a modular home.

MANUFACTURED HOME PARK — A plot or tract of land separated into two or more spaces or lots, which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences, provided that the lease or rental agreement.

MANUFACTURING — The manufacture, from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment and packaging of such products, as well as the incidental storage, sale and distribution of such product or parts.

MULTIFAMILY RESIDENTIAL DEVELOPMENT — A structure used as a dwelling by three or more families occupying separate units.

PROFESSIONAL OFFICES — A business office or agency providing services to the general public by a professional licensed by the State of New York such as a lawyer, engineer, architect, accountant, physician, chiropractor, therapist, dentist, or similar licensed occupation.

RESIDENTIAL SUBDIVISION — The division of a tract of land into five or more lots for the purpose of constructing and sale of single-family dwellings.

RETAIL STORE — A structure used to provide goods and/or services directly to customers/consumers where said goods and/or services are available for immediate purchase and removal from the establishment.

SHOPPING CENTER — A group of three or more retail stores in a single structure, depending mostly on customers coming by automobile, and having parking facilities which are integrated with the site plan and the design of the stores.

SITE PLAN — A drawing prepared by a New York State-licensed engineer, architect or land surveyor to specifications and containing necessary elements, as set forth in this chapter which shows the arrangement, layout and design of the proposed use of a single parcel of land.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Also known as "building."

WAREHOUSE — The structure used to store goods, wares, and merchandise, whether for the owner or for others, prior to shipment elsewhere.

§ 118-6. Proposed uses and structures to site plan approval.

- A. All proposed new uses and structures identified in Subsection B below within the Town shall require a site plan review and approval by the Planning Board before being undertaken except those specifically exempted in § 118-7 below.
- B. The following uses/structures shall require a site plan review under this chapter:
 - (1) Multifamily residential developments.
 - (2) Residential subdivisions.
 - (3) Industrial buildings.
 - (4) Manufactured home parks.
 - (5) Manufactured uses/structures.
 - (6) Retail establishments.
 - (7) Professional offices.
 - (8) Shopping centers.
 - (9) Warehouse buildings.
 - (10) Institutional buildings.
 - (11) Commercial developments.

§ 118-7. Exempt uses.

The following uses/structures are exempt from the requirements of this chapter:

- A. Construction of one- or two-family dwellings and accessory structures.
- B. Repair or maintenance of existing structures or uses.

- C. Home occupations.
- D. Agricultural land uses with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- E. Landscaping or grading which is not intended to be used in connection with use or structure reviewable under the provisions of this chapter.
- F. Exterior alterations or additions to an existing residential structure which do not substantially change its nature or use.
- G. Exterior alterations or additions to an existing commercial or industrial structure which will not increase the gross floor area of the existing structure by more than 10% within any five-year period.
- H. Interior alterations that do not substantially change the nature or use of a commercial, industrial or residential structure.

§ 118-8. Existing uses and structures.

- A. This chapter does not apply to uses and structures which are lawfully in existence as of the date this chapter becomes effective.
- B. Any use or structure which would otherwise be subject to this chapter that has been discontinued for a period of one year or more shall be subject to review pursuant the terms of this chapter before such use is resumed.
- C. 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 chapter and fully constructed and completed within one year from the effective date of this chapter.

§ 118-9. Uncertain applicability.

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

§ 118-10. Relationship to other laws and regulations.

This chapter in no way effects the provisions or requirements of any other federal, state or local law or regulation. Where this chapter is in conflict with any other such law or regulation, the more restrictive shall apply.

§ 118-11. Application procedures.

- A. Placement on Planning Board agenda.
 - (1) In order for a site plan application to be placed on the Planning Board's meeting agenda, the required application materials pursuant to Subsection E shall be submitted to the Planning Board at least seven calendar days prior to the date of the Planning Board's meeting.

- (2) In order for a sketch plan conference to be scheduled, a written request for such conference shall be made to the Planning Board identifying the subject property, its owner and the proposed use. The written request shall be submitted seven days prior to the meeting at which the conference is requested to be scheduled.

B. Completeness review.

- (1) During the first meeting at which a site plan application is placed on the Planning Board's agenda, the Planning Board shall determine whether the application is complete for purposes of commencing the review process.
- (2) If an application is determined to be incomplete, the Planning Board shall notify the applicant, in writing, as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process.
- (3) The timeframes for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete.
- (4) As such, the scheduling of a sketch plan conference may resolve confusion and thereby save time by allowing an opportunity for the applicant and the Planning Board to identify what documentation will be expected in order to constitute a complete application.

C. Multiple uses/structures.

- (1) If an application includes a parcel or parcels on which more than one use and/or structure requiring site plan approval is proposed, the applicant may submit a single application for all such uses and/or structures.
- (2) The Planning Board may grant approval of an application with respect to some proposed uses or structures and not others.
- (3) For purposes of reviewing an application (and for SEQRA compliance) all proposed uses and structures on a single parcel or on contiguous parcels shall be considered together.

D. Sketch plan.

- (1) The applicant may elect to hold a sketch plan conference with the Planning Board prior to the preparation and submission of a formal site plan. The use of the sketch plan conference may provide for a more efficient and predictable review process and avoid unnecessary costs.
- (2) The intent of such a sketch plan conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site plan design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. As such, an applicant is encouraged to schedule and attend the sketch plan conference.

- (3) In order to accomplish these objectives, the applicant should provide the Planning Board with as much information as is practicable; the following is suggested:
- (a) A sketch plan showing (to an approximate scale) the locations and dimensions of existing and proposed principal and accessory structures, parking areas, and other planned features;
 - (b) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features;
 - (c) A statement or sketch showing significant environmental features such as streams, wetlands, forested areas, and floodplain areas; and
 - (d) A topographic or contour map of adequate scale and detail to show site topography.
- (4) At the sketch plan conference, or within 31 days after the sketch plan conference has been held, the Planning Board shall provide the applicant with a list of information to be submitted with the site plan application as well as any recommendations that the Planning Board may have with respect to the proposed application. The list of information may be drawn from the checklist set forth in Subsection E, Application for site plan approval, as determined necessary by the Planning Board.

E. Application for site plan approval.

- (1) An application for site plan approval shall be made in writing to the Planning Board on forms supplied by the Town and shall be accompanied by the required fee, a site plan map (prepared by an engineer, architect or land surveyor licensed in New York State) and such other materials that includes the information contained on the following checklist.
- (2) If a sketch plan conference was held, the information accompanying the site plan shall include any items that the Planning Board indicated at the conference would be required.
- (3) The following items, at a minimum, shall be included on a site plan:
 - (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - (b) North arrow, scale and date;
 - (c) Boundaries of the property plotted to scale of one inch to 50 feet;
 - (d) Existing contours (unless otherwise indicated by the Planning Board) at two-foot intervals shall be required showing the topography for all disturbed areas of the parcel and land within 100 feet of such areas;
 - (e) Existing watercourses and wetlands;
 - (f) Grading and drainage plan, showing existing and proposed final contours;

- (g) Location, design, type of construction, proposed use and exterior dimensions of all buildings;
- (h) Location and widths of existing and proposed driveways for the site and access to existing roads and highways. The location to the nearest intersection of public roads must be provided.
- (i) Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- (j) Provisions for pedestrian access if applicable;
- (k) Location of outdoor storage, if any;
- (l) Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- (m) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- (n) Description of the method of securing potable water and location, design and construction materials of such facilities;
- (o) Location of fire and other emergency zones;
- (p) Location, design and construction materials of all energy distribution facilities, including electrical, gas and alternative energy;
- (q) Location, size, design and type of construction of all proposed signs;
- (r) Location and proposed development of all buffer areas, including existing vegetative cover;
- (s) The type, location, and hours of activities likely to generate noise or ground vibrations of a magnitude as to be a public concern;
- (t) Location and design of outdoor lighting facilities;
- (u) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- (v) General landscaping plan and planting schedule;
- (w) An estimated project construction schedule;
- (x) Identification of any federal, state or county permits required for the project's execution;
- (y) Description of the proposed use or uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated;
- (z) Stormwater pollution prevention plan (SWPPP) for all land development activities (excluding agricultural activities) on a site that results in land disturbance of one acre or more. A SWPPP shall comply with NYSDEC

requirements for stormwater discharges from construction activities. It shall be at the discretion of the Planning Board as to whether a SWPPP shall be required for disturbances of less than one acre and which are not otherwise subject to such regulations;

- (aa) Location of all properties located within an agricultural district;
- (bb) Other elements or information integral to the proposed development as considered necessary by the Planning Board;
- (cc) A Full Part I environmental assessment form (EAF).

F. Waivers.

- (1) If the Planning Board finds that any of the information requirements as set forth above are not necessary to conduct an informed review, it may waive such information requirements as it deems appropriate.
 - (a) The Planning Board may grant such waivers on its own initiative or at the written request (that sets forth the specific requirements that are requested to be waived and the reasons for the requested waiver) of an applicant.

G. Review of site plan.

- (1) The Planning Board shall review the site plan to promote the health, safety and general welfare of the Town and its citizens.
- (2) The review shall include, as appropriate, but is not limited to, the criteria set forth in this chapter for such as well as the following general considerations:
 - (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project and neighborhood.
 - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (c) 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 the existing vegetation.

- (h) Adequacy of fire lanes and other emergency zones.
 - (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - (j) Adequacy of open space areas, if any, for its intended use.
 - (k) Protection of adjacent or neighboring properties against noise, glare, unsightliness, odors, smoke, dust or other objectionable features.
 - (l) Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
 - (m) Compatibility of structures with existing and planned uses of adjacent properties.
- H. Referral to County Planning Board. The Planning Board shall refer applications for site plan review to the County Planning Board per § 239-m of General Municipal Law and § 274-a, Paragraph 9, of the Town Law.
- I. Planning Board action on site plan.
- (1) Public hearing. If no public hearing is scheduled by the Planning Board for the receipt of public comments regarding the site plan, the Planning Board shall render a decision, file said decision with the Town Clerk, and mail such decision to the applicant with a copy to the Code Enforcement Officer within 62 days of the acceptance of a completed application for site plan approval.
 - (2) Discretion to schedule public hearing.
 - (a) The Planning Board has the discretion to hold a public hearing on the application if the Planning Board determines that there are factors involved (such as but not limited to potential public controversy, the desirability of input from adjoining property owners or the public at large) that warrant a public hearing.
 - (b) If the Planning Board determines to hold a hearing, it shall be held within 62 days of the receipt of a complete application and the decision on the site plan shall be made within 62 days from the close of the public hearing.
 - (c) The time within which to hold a public hearing or which a decision shall be rendered may be extended by mutual consent of the applicant and Planning Board.
 - (3) Issuance of permit. Upon approval of the site plan, the Code Enforcement Officer has the authority to issue a building permit provided any predevelopment conditions have been met and to issue a certificate of occupancy permit upon completion of the development of the site in strict accordance with the approved site plan and any conditions attached thereto.
 - (4) Disapproval of site plan.

- (a) Upon disapproval of a site plan, the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny a building permit to the applicant.
- (b) The Planning Board shall also notify the applicant in writing, within five business days, of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.

J. Notice and hearing.

- (1) The Planning Board shall hold a public hearing on a complete site plan application within 62 days from the determination of the Planning Board that the application is complete and that a hearing is appropriate. The time in which a public hearing shall be held may be lengthened only upon consent of the applicant and Planning Board.
- (2) At least five days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice, by first class mail, thereof to all adjoining property owners and to any other owners of property located within 200 feet from the parcel for which the site plan is proposed. The Planning Board may notify other owners of other parcels as it deems appropriate.
- (3) In the case of a hearing held on an application on a property that is located within 500 feet of an adjacent municipality, the Planning Board shall give notice of the hearing to the clerk of the adjacent municipality, by either mail or electronic transmission, at least 10 days prior to the hearing pursuant to General Municipal Law § 239-m.

K. Reimbursable costs. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan as well as its implementation and inspection shall be charged to the applicant.

L. Performance guarantee.

- (1) No certificate of compliance shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed.
- (2) The sufficiency of such performance guarantee shall be determined by the Planning Board and it may consult with the Code Enforcement Officer, Town Attorney, and other appropriate parties in making such determination.

M. Inspection of improvements.

- (1) The Code 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.
- (2) If the site is not being developed in strict compliance with the approved site plan and any conditions attached thereto, the Code Enforcement Officer shall issue a stop-work order and demand compliance with the approved site plan and any conditions attached thereto.

- (3) An approved site plan may not be modified except by the Planning Board upon application for such modification from the applicant.
- N. Integration of procedures. Whenever the particular circumstances of proposed development require compliance with other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.
- O. SEQRA compliance.
- (1) Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review (SEQRA) process (unless it is determined that the site plan application should be classified as a Type II action) by either circulating the application and environmental assessment form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days of its acceptance of a completed application, EAF and other supporting materials.
- (2) Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a draft environmental impact statement (DEIS). No time periods for decision making in this chapter shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.
- P. Agriculture data statement.
- (1) An agriculture data statement is required where the proposed use or structure is located in, or within 500 feet of, the boundaries of an agricultural district.
- (a) If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the site plan application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

§ 118-12. Guidelines.

The Planning Board in reviewing site plans shall consider the following guidelines:

- A. Layout and design.
- (1) All structures shown on the site plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties wherever possible.
- (2) Where feasible, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
- B. Landscaping.

- (1) Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
- (2) Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and paved surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Town's environment.
- (3) Where feasible, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.

C. Parking, circulation, and loading.

- (1) Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- (2) Vehicular and pedestrian connections between adjacent sites shall be provided wherever possible to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be encouraged by the Planning Board, where appropriate.
- (3) Off-street parking and loading shall be located behind buildings wherever possible.
- (4) Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, county, and state to the extent that said Highway Department or Departments have jurisdiction over such access.
- (5) All structures shall be accessible by emergency vehicles.

D. Traffic.

- (1) The site plan shall, to the greatest extent practical:
 - (a) Minimize vehicle traffic entering existing roads.
 - (b) Maximize distance from existing intersections new traffic shall enter existing roads.
 - (c) Not allow an existing road to reach failing "level of service" due to additional traffic that will be entering existing roads.

E. Drainage.

- (1) A stormwater pollution prevention plan shall be prepared and implemented to ensure that post-development runoff from the site does not exceed pre-development runoff.
- (2) Surface water leaving the site shall not negatively disturb adjacent parcels, structures, facilities or public roads.

F. Site lighting.

- (1) Exterior site lighting shall not cause or create a glare or distraction on public roads and adjacent properties.
- G. Fire protection.
- (1) The site plan shall provide for adequate fire and emergency lanes and zones to allow access to emergency and fire vehicles and personnel.
 - (2) Fire hydrants shall be provided on site in locations as deemed necessary and appropriate.
- H. Compatibility with adjoining properties and neighborhood.
- (1) All components of a site plan shall be compatible with the architecture, engineering, design, masonry, materials, landscaping, placement and setback with adjoining neighborhood development.
- I. Miscellaneous standards.
- (1) Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
 - (2) The site lighting shall limit glare on adjacent roads and properties.
 - (3) Drainage of the site shall recharge ground water to the extent practical. Surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.
 - (4) Dispersal of construction and demolition wastes shall meet all applicable local, county, state and federal requirements.
- J. Reservation of parkland. For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to New York State Town Law, § 274-a(6), or its successor legislation.

§ 118-13. Action.

- A. The Planning Board shall approve, approve with modifications, or disapprove the site plan within 62 days after the determination by the Planning Board that the site plan and accompanying application is complete, or if a public hearing has been held, within 62 days after the close of the public hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision in light of the standards or guidelines contained in this chapter.
- B. In approving a site plan, with or without modification, the Planning Board may impose conditions which it considers necessary to protect the health, safety, and welfare of the Town and to achieve the purposes contained in this chapter.
- C. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action

by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

§ 118-14. Expiration, change of use, revocations, and enforcement.

- A. An approved site plan shall expire if the site plan use or uses cease for any reason and for more than 12 consecutive months, if the applicant fails to obtain the necessary building permit or certificate of compliance or fails to comply with the conditions of the site plan, or if its time limit expires without renewal.
- B. A site plan shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the site plan (as determined by the Code Enforcement Officer) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by site plan shall require the granting of a new site plan or an amendment.
- C. A site plan approval may be revoked by the Planning Board if the applicant or the applicant's successor or assign violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.
- D. Any violation of the conditions of a site plan shall be deemed a violation of this chapter, and shall be subject to enforcement action as provided herein.

§ 118-15. Findings required.

- A. In approving or disapproving site plans, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this chapter.
- B. The Planning Board shall set forth its findings in writing as part of its decision-making process.

§ 118-16. Filing of decision.

- A. The written decision of the Planning Board on an application for site plan review shall be filed within five days from the date the decision was rendered in the office of the Town Clerk, with the Code Enforcement Officer and a copy mailed to the applicant.
- B. All site plans shall be signed as approved by the Chairman of the Planning Board and filed and mailed together with the decision.

§ 118-17. Amendments.

- A. The terms and conditions of any site plan approval may be amended in the same manner as required to approve a site plan, following the criteria and procedures in this chapter.

- B. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a site plan amendment.