

## **Appendix C**

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### **Town & Village of Waterford Local Waterfront Revitalization Program**

#### **SITE PLAN REVIEW LAW**

Local Law No. 3 of the year 2007

Be it enacted by the Village Board of the Village of Waterford as follows:

#### **§-1 Title.**

This chapter shall be known as the “Village of Waterford Site Plan Review Law.” The Village of Waterford is hereinafter referred to as the “Village.”

#### **§-2 Intent.**

- A. Through site plan review, it is the intent of this chapter to promote the health, safety and general welfare of the Village. 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 Village and the general welfare of its inhabitants.
- B. It is also the intent of the this chapter to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the Village by regulating land use activity within the Village through review and approval of site plans.

#### **§-3 Applicability.**

- A. Applicability or review requirements. All new land use activities within the Village shall require site plan review and approval before being undertaken, except the following:
  - (1) Ordinary landscaping or grading that is not conducted in connection with land use reviewable under the provisions of this chapter.
  - (2) Construction of one-or two-family dwellings and ordinary accessory structures, and related land use activities provided they are not located in the Waterfront Overlay District.
  - (3) Ordinary repair or maintenance or interior alterations to existing structures or uses.
  - (4) Exterior alterations or additions to existing structures that would not increase the square footage of the existing structure by more than 25%.
- B. Effect on existing uses. This chapter does not apply to uses and structures that are lawfully

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in existence as of the date this chapter becomes effective. Any use which would otherwise be subject to this chapter that has been discontinued for a period of one year or more or abandoned shall be subject to review pursuant to the terms of this chapter before such use is resumed. Any use or structure shall be considered to be in existence, provided that the same has been substantially completed as of the effective date of this chapter and fully constructed and completed within one year from the effective date of this chapter.

- C. Relationship of this chapter to other laws and regulations. To the extent that this law conflicts with any site plan rules previously adopted by the Planning Board, this chapter shall control.

#### **§-4 Authority.**

The Village of Waterford Planning Board shall review, approve, approve with modifications or disapprove site plans for land uses within the Village, as designated in pursuant to and in accordance with the standards and procedures set forth in this chapter.

#### **§-5 Sketch plan.**

- A. A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The purposes of the conference are: 1) for the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan; 2) for the Planning Board to review the basic site design concept; 3) for the Planning Board to advise the applicant of potential problems with the site plan; and 4) for the Planning Board to determine what information will be required on the site plan. To accomplish these objectives, the applicant should provide the following documents, except as otherwise directed by the Planning Board:
- (1) A sketch, drawn to scale, 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,
  - (2) A sketch or map of the area that clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features, and
  - (3) A topographic or contour map of adequate scale and detail to show site topography.

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#### §-6 Application for site plan approval.

- A. An application for site plan approval shall be made in writing to the Planning Board on a form prescribed by it. It shall be accompanied by information contained in the “site plan checklist” set out in Paragraph (B) of this section insofar as applicable to the proposed project. If a sketch plan conference was held, the information that shall be provided will be that required by the checklist prepared at the conference.
- B. 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 watercourses
  - (5) Grading and drainage plan, showing existing and proposed contours
  - (6) Location, design, type of construction, proposed use and exterior dimensions of all buildings
  - (7) Location, design and type of construction of all parking and truck loading areas, showing access and egress
  - (8) Provision for pedestrian access including sidewalks and street furniture
  - (9) Location of outdoor storage, if any
  - (10) Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences
  - (11) Description of the method of securing public water and location, design and construction materials of such facilities
  - (12) Location of fire and other emergency zones, including the location of fire hydrants
  - (13) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy
  - (14) Location, size and design and type of construction of all proposed sign
  - (15) Location and proposed development of all buffer areas, including existing vegetative cover
  - (16) Location and design of outdoor lighting facilities
  - (17) Identification of the location and amount of building area proposed for retail sales or similar commercial activity
  - (18) General landscaping plan and planting schedule
  - (19) An estimated project construction schedule
  - (20) Record of application for and approval status of all necessary permits from state and county officials
  - (21) Identification of any state or county permits required for the project’s execution

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- (22) Other elements integral to the proposed development as considered necessary by the Planning Board.

#### **§ -7 Fees and costs.**

- A. An application for site plan review shall be accompanied by a fee established by resolution of the board of Trustees.
- B. Reasonable costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan may be charged to the applicant. The Planning Board may require that the applicant pay part or of the anticipated fees in advance into a Village escrow account.

#### **§-8 Review of site plan.**

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

- A. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- 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, sidewalks or walkways 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 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 provisions of fire hydrants;
- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding or erosion; and
- J. Overall impact on the neighborhood, including compatibility of building architecture and

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design considerations and potential effects on existing neighborhood quality of life.

#### **§9 Determination of Complete Application and SEQRA.**

Before determining whether an application for a site plan is complete, the Planning Board shall decide whether [under the State Environmental Quality Review Act (“SEQRA”); Environmental Conservation Law art. 8 and Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York or 6 N.Y.C.R.R. Part 617] the application requires the preparation of an environmental impact statement (“EIS”). No application for site plan review shall be deemed complete until either (1) the project has been determined to be a Type II action, (2) a “negative declaration” (the board’s determination that the project does not have any potentially significant adverse environmental impacts and therefore does not require the preparation of a draft environmental impact statement) has been issued or (3) a draft EIS has been accepted by the Planning Board or the lead agency as satisfactory with respect to scope, content and adequacy. In making a determination of “significance,” the Planning Board shall follow the procedures described in 6 N.Y.C.R.R. sections 617.6 and 617.7. With respect to the preparation of the environmental assessment form (“EAF”), the applicant shall submit the EAF with Part I completed; the Planning Board shall complete Part II, and Part III, if required, prior to making a determination of significance. Where the Planning Board has prepared or caused to be prepared a draft EIS and the draft EIS has been accepted as satisfactory with respect to scope, content and adequacy, the time frames for review of the application and decision-making shall be governed by 6 N.Y.C.R.R. sections 617.9 and 617.11 (or any successor regulations) in place of the timeframes specified in this local law.

#### **§-10 Public hearing: notice.**

The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the date that the Planning Board determines that the application for site plan review is complete. Legal notice of the public hearing shall be published in the Village’s official newspaper or, if there is none, in a newspaper of general circulation in the village at least five (5) days before the public hearing. Where the Planning Board has prepared or caused to be prepared a draft EIS, the notice of public hearing shall be published at least fourteen calendar days in advance of the public hearing; the public hearing shall commence no less than fifteen calendar days and no more than sixty calendar days after the filing of the notice of completion of the draft EIS by the Planning Board or the lead agency pursuant to 6 N.Y.C.R.R. section 617.12(a).

If review by the County Planning Agency [or board], is required under General Municipal Law §239-m, the Planning Board shall mail notice of the hearing to the County Planning Agency [or board] at least ten calendar days before the hearing.

Pursuant to General Municipal Law §239-nn, if a site plan application concerns property within 500 feet of the Village’s municipal boundaries, a copy of the public hearing notice shall be provided to the Clerk of the adjoining municipality.

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#### **§-11 Decision of Planning Board.**

The Planning Board shall make a decision on the application for a site plan review within sixty-two (62) calendar days after the public hearing or adjourned hearing date. For an application that is the subject of a final EIS, the Planning Board shall make a decision on the application within thirty calendar days after the filing of the final EIS. In making a decision on the application, the Planning Board may approve the application, approve the application with conditions or modifications, or both, or deny the application. The decision may consist of the draft minutes or the Planning Board may prepare a separate decision document, which shall be filed in five (5) business days of its decision on the application. The Planning Board shall mail or cause to be mailed to the applicant and any other party to the hearing a copy of its draft minutes constituting the decision or the separate written decision. The time within which the Planning Board must render its decision may be extended by agreement of the Board and the applicant.

A. Criteria for approval. In approving an application or approving an application with modifications or conditions, or both, the Planning Board shall find that the application meets the following criteria:

- (1) That the application conforms with any site development or design standards adopted by the Village.
- (2) That the application is consistent with the land use goals and objectives of the Comprehensive Plan of the Village of Waterford.
- (3) That the application is consistent with the Town and Village of Waterford Local Waterfront Revitalization Program.
- (3) That the application is consistent with other long range planning documents adopted by the Village of Waterford.

B. Approval. Upon approval of the site plan 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. 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.

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- D. 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, along with the Planning Board's reasons for disapproval.

#### **§-12 Referrals.**

At least ten (10) days before the hearing on an application for site plan review, the Planning Board shall mail a notice thereof to the Saratoga County Planning Board if required by section two hundred thirty-nine-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the General Municipal Law.

#### **§13 Performance Guarantee.**

Performance guarantee and inspection of improvements. No certificate of occupancy 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. The sufficiency of such performance guarantee shall be determined by the Village Board but may include a letter of credit or performance bond. The Zoning Inspector, or, if not the Zoning Inspector, then such other duly authorized person or persons as designated by the Village Board, shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

#### **§-14 Amendments.**

All proposed amendments to the site plan review law not originating with the Planning Board, 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 thirty (30) 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.

#### **§-15 Integration of procedures.**

Whenever the circumstances of proposed development require compliance with this chapter 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.