

(Please Use this Form for Filing your 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 Watkins Glen
~~Town~~
Village
Local Law No. 4 of the year 19 90

A local law to Amend the Zoning Ordinance by Providing for Site Plan
(insert title) Review and Approval

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

~~County~~
~~City~~ of Watkins Glen as follows:
~~Town~~
Village

Village of Watkins Glen Zoning Ordinance (Ordinance No. 153)
is hereby amended by the addition of the following Article:

ARTICLE III - SITE PLAN REVIEW AND APPROVAL:

Section 1. Site Plan Review and Approval. Prior to the issuance of a zoning permit in the Village of Watkins Glen, the Superintendent of Building and Zoning (zoning officer) shall require site plan approval by the planning board pursuant to this section for construction of new structures, substantial enlargement of existing structures, conversion of an existing building to a different use, construction of roads or driveways and excavations. Single family dwellings and duplexes, landscaping, minor enlargements, residential garages, and agricultural structures shall be exempted from the provisions of this article. The zoning officer shall notify an applicant for a zoning permit when site plan approval is required by the provisions of this section. The planning board, at its discretion, may waive the sketch plan and public hearing procedures.

Section 2. Sketch Plan. At the request of the applicant, 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 intent of such a 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 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 should 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 parking areas, and proposed vegetation, and other planned features; anticipates changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

(If additional space is needed, please attach sheets of the same size as this and number each)

(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; and

(c) a Topographic or contour map of adequate scale and detail to show site topography.

Section 3. Application for Site Plan Approval. 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.

(a) 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 use and exterior dimensions of all buildings;

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;

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 sewage disposal and location, design and construction materials of such facilities;

12. description of the methods of securing public water and location, design and construction materials of such facilities;

13. location of fire and other emergency zones, including the location of fire hydrants;

14. location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;

15. location, size and design and type of construction of all proposed signs;

16. location and proposed development of all buffer areas, including existing vegetative cover;

17. 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. general landscaping plan and planting schedule;
20. an estimated project construction schedule;
21. record of application for and approval status of all necessary permits from state and county officials;
22. identification of any state or county permits required for the project's execution; and
23. other elements integral to the proposed development as considered necessary by the planning board.

Section 4. 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, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- (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.

Section 5. Public Hearing. A public hearing may be scheduled within forty-five (45) days from the receipt of a complete and satisfactory application. The hearing shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Village.

Section 6. Planning Board Action on Site Plan. Unless a public hearing is determined necessary, the planning board shall render a decision, within forty-five (45) days of the receipt of a complete and satisfactory application for site plan approval, file said decision with the Village Clerk, and mail such decision to the applicant with a copy to the zoning officer. If a public hearing is conducted, the planning board shall render a decision within forty-five (45) days of the public hearing. The time within which a decision must be rendered may be extended by mutual consent of the applicant and planning board.

- (a) Upon approval of the site plan and payment by the applicant of all fees and reimbursement costs due to the village, the planning board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, zoning officer, and file same with the Village Clerk.

Section 7. Appeals to the Zoning Board of Appeals. Within thirty (30) days of the disapproval of a site plan, the applicant may appeal the decision of the planning board to the zoning board of appeals. The zoning board of appeals shall hear and decide appeals properly filed by the applicant with the zoning officer, said filing to include a notice of appeal, specifying the grounds thereof. The zoning officer shall transmit the filing and all records pertaining to the action which is the subject of the appeal.

The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and not less than ten (10) days prior to the hearing date publish such notice at least once in the official newspaper of the village, and decide the same within sixty-two (62) days after the hearing. Where there are practical difficulties or unnecessary hardships in the way of carrying out the planning board decision, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make such decision as in its opinion ought to be made in order to vary or modify the application of any of the provisions of the decision relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the local law or ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Section 8. Reimbursable Costs. Reasonable and necessary costs incurred by the planning board for consultation fees or other extraordinary expenses in connection with review of a proposed site plan shall be charged to the applicant.

Section 9. Performance Guarantee. 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 after consultations with the planning board, zoning officer, village attorney and other appropriate parties.

Section 10. Inspection of Improvements. The zoning officer shall be responsible for the overall inspection of approved site improvements including coordination with the planning board and other officials and agencies, as appropriate.

Section 11. Integration of Procedures. The planning board shall formulate and publish procedures to administer the site plan review and approval procedure and whenever the particular circumstances of proposed development require compliance with either the special use procedure in this zoning ordinance or other requirements of the village 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.

Section 12. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 4 of 1990
of the ~~County~~ City of Watkins Glen was duly passed by the Board of Trustees
~~Town~~ Village (Name of Legislative Body)
on March 19 1990 in accordance with the applicable provisions of law.

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

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., 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 19.....
County
of the ~~City~~ Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
on 19..... 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
general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ Town of was duly passed by the on
~~Village~~ (Name of Legislative Body)
..... 19..... and was approved by the on
not disapproved repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

~~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 19..... of the City of having been submitted to referendum pursuant to the provisions of ~~§ 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 19 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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 therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph¹..... above.

Jerry E. Gregory
Jerry E. Gregory

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: March 20, 1990

(Seal)

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

STATE OF NEW YORK
COUNTY OFSCHUYLER.....

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.

.....
Signature
Connie Fern Miller, Atty.
.....
Title

Date: March 20, 1990

County
City of Watkins Glen
Town
Village