

## ZONING

### *245 Attachment 2*

**APPENDIX B**  
**SITE PLAN REQUIREMENTS**  
**TOWN OF NIAGARA, NIAGARA COUNTY, NEW YORK**  
**[Amended 2-22-1999; 2-24-1999; 3-30-1999; 12-9-1999; 1-20-2000;**  
**2-3-2000; 10-26-2000; 2-2-2001; 12-11-2007 by L.L. No. 3-2007]**

### **B1 APPLICABILITY**

A Site Plan Review is required for the following:

A. Agricultural and residential districts.

- (1) Changes to a previously approved site plan.
- (2) Rezoning applications (unless waived by the Town Board).
- (3) Requests for special permits (unless waived by the Town Board).

B. All other districts.

- (1) New construction exceeding 650 square feet and/or exceeding \$5,000 in total cost. Applications for building permits for new construction that is 650 square feet or less and/or \$5,000 or less in total cost will be reviewed by the Building Inspector. If, in the opinion of the Building Inspector, the application and supporting documents comply with all ordinances and local laws and will not severely impact the town-wide drainage scheme and Town Comprehensive Plan, a building permit may be issued. If, in the opinion of the Building Inspector, the application impacts the town-wide drainage scheme and/or the Town Comprehensive Plan, the application for a building permit will be denied and the applicant will be required to submit a site plan for Planning Board review and recommendation and Town Board approval.
- (2) Changes to a previously approved site plan.
- (3) Rezoning applications.
- (4) Requests for special permits.

### **B2 SITE PLAN REVIEW**

A. Review agency. The Town Planning Board is hereby authorized to review and recommend to the Town Board approval, approval with modification or disapproval of site plans, prepared in accordance with such standards as are duly adopted by the Planning Board.

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### B. Review procedures.

#### (1) 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 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 prior to incurring design costs; 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.
- (b) In order to accomplish these objectives, the applicant shall provide sketches of the proposed development, together with an area map showing applicant's entire holding, that portion of the applicant's property under consideration and all properties, their ownership, uses, subdivisions, streets, zoning districts and adjacent buildings within 500 feet of the applicant's property.

#### (2) Site plan. An application for site plan review shall be made in writing to the Building Department and shall be accompanied by the following drawings, documents and information, to be prepared by a licensed professional engineer, architect, planner or surveyor, as appropriate; and as determined necessary by the Planning Board:

- (a) Title of drawing, name of development, name of applicant, name and seal of person preparing drawing, North point, scale and date, to be included on all drawings.
- (b) Boundary survey.
- (c) Topographical survey tied into the town datum extending a reasonable distance beyond the site.
- (d) Location and dimensions of existing and proposed easements.
- (e) Existing natural features such as watercourses, waterbodies, wetlands, wooded areas, individual large trees and flood hazard areas. Features to be retained in the development should be indicated.
- (f) Soil characteristics, regarding capabilities and/or limitations for development.
- (g) Location and design of all existing on-site or nearby improvements, including drains, culverts, water lines, sewers, gas and electric lines and poles, bridges, retaining walls and fences.
- (h) Location and design of proposed utilities, including water, sanitary and storm sewer systems.

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- (i) Location and design of all streets, parking and service areas, access drives, bicycle and pedestrian ways within and immediately adjoining the site.
- (j) Location, with setbacks, size and height, of proposed buildings and/or structures, including first-floor elevation.
- (k) Location and proposed development of all open space, including parks, playgrounds, screen planting and other landscaping.
- (l) Location, size and design of all proposed signs and lighting facilities.
- (m) Location of outdoor storage, if any, including dumpster and compactor enclosures.
- (n) Location and design of all energy-distribution facilities, including electrical, gas and solar energy.
- (o) Grading and drainage plan, including calculations, showing existing and proposed contours at intervals not more than 2.5 feet.
- (p) General landscaping plan and planting schedule.
- (q) Detailed sizing, typical cross sections, profiles and final material specifications of all required improvements.
- (r) Architectural drawings.
- (s) Conformance to any approved federal, state and county plans.
- (t) Lines and dimensions of all property which is offered or to be offered for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
- (u) Record of application for and status of all necessary permits from other governmental bodies.
- (v) Record of all required performance bonds, any proposed easements, restrictions, covenants and provision for homeowners' associations and common ownerships.
- (w) An estimated project construction schedule.
- (x) Other elements integral to the proposed development as considered necessary by the Planning Board.
- (y) A stormwater pollution prevention plan (SWPPP), if required for the proposed development under Article XIV of Chapter 245, Zoning, of the Town Code,

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together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 245-61B of the Town Code.

- (3) Referrals. The Building Department shall refer the site plan to the Town Engineer and, as deemed necessary, to all other officials and agencies for their review and recommendations.
- (4) Public hearing. The Planning Board may conduct a public hearing on the site plan if considered desirable by the majority of its members.
- (5) County referral. Prior to taking action on the site plan, the Planning Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with §§ 239-l and 239-m of the General Municipal Law.

### **B3 REVIEW STANDARDS**

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

- A. Zoning compliance and compatibility with the Master Plan.
- B. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs; 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; adequacy of water supply and sewage disposal facilities. If a stormwater pollution prevention plan (SWPPP) was submitted with the site plan, the Planning Board shall not recommend approval of the site plan unless such site plan and SWPPP comply with the performance and design criteria and standards set forth in Article XIV of Chapter 245, Zoning, of the Town Code.
- F. 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.
- G. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- H. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

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- I. Overall impact on the neighborhood, including compatibility of design considerations.

### **B4 PLANNING BOARD ACTION**

Within sixty-two (62) days of receipt of the site plan, complete with the Planning Board's recommendations, the Town Board shall render a decision of approval, conditional approval or disapproval. If a stormwater pollution prevention plan (SWPPP) was submitted with the site plan, the Town Board shall not approve the site plan unless such site plan and SWPPP comply with the performance and design criteria and standards set forth in Article XIV of Chapter 245, Zoning, of the Town Code.

### **B5 TOWN BOARD ACTION**

Within sixty-two (62) days of receipt of the site plan, complete with the Planning Board's recommendations, the Town Board shall render a decision of approval, conditional approval or disapproval.

- A. Approval. Upon approval, the Town 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.
- B. Conditional approval. The Town Board may conditionally approve the site plan. Upon adequate demonstration by the applicant that all conditions have been met, the Town Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant.
- C. Disapproval. Upon disapproval of the site plan, the decision of the Town Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant.

### **B6 FEE**

An application for site plan review shall be accompanied by a fee in an amount as determined by the Town Board.

### **B7 REIMBURSABLE COSTS**

Costs incurred by the Planning Board or the Town Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant.

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### **B8 IMPROVEMENTS**

- A. 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.
- B. The Building Department shall be responsible for the overall inspection of site improvements, including coordination with other officials and agencies, as appropriate.
- C. The applicant shall provide a map satisfactory to the Town Engineer indicating locations of monuments marking all underground utilities as actually installed. No performance bonds shall be released nor certificates of occupancy issued until such map is provided by developer.