

## SITE PLAN APPROVAL

### Section I:

#### Purpose:

The purpose of Site Plan Approval is to determine compliance with the objectives of the Town Zoning Ordinance in those zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which would adversely affect the public health, safety, or general welfare. The Planning Board shall not be required to hold Public Hearings upon applications for Site Plan Approval, but may, where the Board by a vote of a majority of its members, determines a Public Hearing to be in the public interest, in its sole and exclusive discretion, hold a Public Hearing on any application upon publication of notice in the official newspaper of the Town at least five (5) days prior to the hearing date. In such event, the decision of the Board shall be rendered within 45 days after the close of the Public Hearing. Failure to render a decision within said time shall not, however be deemed to be approval or denial of the application, but merely to authorize an interested party to petition to require the Board to make a decision.

### Section II:

#### Authorization:

Pursuant to Section 274-a of the New York State Town Law, the Town of Bristol Planning Board is authorized by the Bristol Town Board to review and approve Site Plans for development within the Town of Bristol.

### Section III:

#### Site Plan Review:

Prior to the issuance by the Building Inspector of a Building Permit for any commercial, business, manufacturing or multi-family use of land, or any change in use (except to one or two-family dwelling) or a Special Use Permit, the Building Inspector/Zoning Officer shall require Site Plan Approval, including new structures, new uses, expansions of existing structures, excavation operations, new Special Permit uses and legal conversions of an existing building to another use. Exceptions to these requirements are:

- A. Construction of a single one or two-family dwelling on a single lot.
- B. Permitted accessory structures to one or two-family dwellings.
- C. Ordinary repair or maintenance or interior alterations to existing structures or uses.
- D. Exterior alterations or additions to one and two-family dwellings.

The Building Inspector/Zoning Officer shall notify in writing, an applicant for a building permit and Planning Board where Site Plan Approval is required, and shall advise the applicant as to applicable procedures and requirements.

**Section IV:**

**Site Plan Approval Process:**

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/her 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:

- A. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking area, signs, existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features, proposed water supply, sanitary waste disposal, and provisions for storm drainage, recreation and open space; and where applicable, measures and features to comply with flood hazard and flood insurance regulations.
- B. An area map showing the parcel under consideration for Site Plan Review, and all properties, subdivisions, streets, right-of-ways, easements and other pertinent features within two hundred (200) feet of the boundaries of the parcel.
- C. A topographic or contour map of adequate scale and detail to show topography.

The Planning Board upon review of the sketch plan, and with the concurrence of the Town Engineer as deemed appropriate by the Planning Board, may waive requirements for application; materials for developments, which, due to their character, size, location or special circumstances, do not require this information to perform the Site Plan Review.

**Section V:**

**Application for Site Plan Approval:**

An application for Site Plan Approval shall be made in writing to the Building Inspector/Zoning Officer and shall be accompanied by supporting information and documentation. If a sketch plan conference was held, the supporting information shall include the elements identified by the Planning Board at the sketch plan conference. The application for Site Plan approval shall include the following information prepared by a licensed engineer, architects, landscape architect or surveyor:

- A. An area map showing the applicant's entire holdings, that portion of the applicant's property under consideration and all properties, subdivisions, streets and easements within five hundred (500) feet of the applicant's property.
- B. A map of site topography (7 copies required) at no more than five-foot contour intervals. If the site has susceptibility to erosion, flooding, or ponding, contour intervals of not more than two (2) feet of elevation should also be provided.
- C. Title of drawing, including name, address of the applicant, and the person responsible for preparation of such drawings.
- D. North arrow, scale and date.
- E. Boundaries of the property plotted to scale.

- F. Existing buildings.
- G. Grading and drainage plan, showing existing and proposed contours, rock outcrops, and depth to bedrock, soil characteristics and watercourses.
- H. Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- I. Location, design, type of constructions of all parking and truck loading areas, showing ingress and egress.
- J. Provisions for pedestrian access.
- K. Location of outdoor storage, if any.
- L. Location and design of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
- M. A description of the method of water supply and sewage disposal and their locations.
- N. Location of fire and other emergency zones.
- O. Location and design of all energy distribution facilities, including electrical, gas and solar energy.
- P. Location, size, and design and type of construction of all proposed signs.
- Q. Location and proposed development of all buffer areas, including existing vegetative cover.
- R. Location and design of outdoor lighting facilities.
- S. Identification of the location and amount of building area proposed for each intended use, including storage and common area.
- T. General landscaping plan and planting schedule.
- U. An estimated project construction schedule.
- V. Record of application for and approval status of all necessary permits from State and County agencies.
- W. Identification of any State and County permits required for execution of the project.
- X. The appropriate documents pursuant to the State Environmental Quality Review Act (SEQRA).

**Section VI:**

**Date of Application:**

The above described information and documentation shall be submitted to the Zoning Office two (2) weeks before the next regularly scheduled Planning Board meeting. The Building Inspector/Zoning Officer may require from the applicant additional copies of the application materials for distribution to the Planning Board prior to the meeting. At the regularly scheduled meeting, the Planning Board shall determine whether the application is complete. If the application is not complete, the Planning Board shall list the additional information required and shall mail such list to the applicant. The minutes of the meeting may satisfy this requirement. The date of the regularly scheduled Planning Board meeting at which the application is determined to be complete by the Planning Board shall be deemed to be the date of the application.

## **Section VII:**

### **Factors for Consideration:**

The Planning Board review of a Site Plan shall include, but is not limited to, the following considerations:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- B. Adequacy and arrangement of pedestrian traffic access and circulation, including: separation of pedestrian from vehicular traffic, and pedestrian convenience.
- C. Location, arrangement, appearance and sufficiency of off street parking and loading.
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining lands.
- F. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation.
- G. Adequacy of storm water and sanitary waste disposal facilities.
- H. Adequacy of structures, roadways and landscaping, in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- I. Protection of adjacent properties against noise, glare, unsightliness of other objectionable features.
- J. Adequacy of water supply facilities.
- K. Overall impact on the neighborhood including compatibility of design considerations.
- L. Conformance with the Comprehensive Plan of the Town of Bristol.

## **Section VIII:**

### **Planning Board Action on Site Plan:**

Within forty-five (45) days of the date of application as described above, the Planning Board shall approve, approve with modifications, or disapprove the Site Plan, except that where a Public Hearing is deemed necessary as described in this Section, the decision on the Site Plan shall be within forty-five (45) days of the Public Hearing. 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. Failure to decide an application within said time periods shall not be deemed to be an approval or denial of the application, but shall merely authorize any interested party to petition to require the Board to make a decision.

- A. Upon approval of the Site Plan, 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. All approvals shall be conditional upon final approval

by the Town Engineer, as appropriate, of all construction designs and specifications.

- B. Approval with Modifications: The Planning Board may conditionally approve the final site plan. A copy of a written statement containing the modifications required by the conditional approval will be mailed to the applicant. After adequate demonstration to the Planning Board that all conditions have been met, 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 shall be mailed to the applicant. All approvals shall be conditional upon final approval by the Town Engineer, as appropriate, of all construction designs and specifications. The approval shall not be effective until the applicant signs a statement agreeing to the conditions imposed.
- C. 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 along with the Planning Board's reasons for disapproval.

In the event a Site Plan involves a need for Variances the Planning Board shall table the application for Site Plan approval until the applicant secures such Variances from the Zoning Board of Appeals. The need for Variances may be determined by the Building Inspector/Zoning Officer upon receipt of the application for Site Plan approval. The forty-five (45) day period for the Planning Board to render a decision shall be suspended for the period from the date of application is tabled until the date the applicant provides to the Planning Board copies of the decision granting the necessary Variances:

In the event a Site Plan involves a need for Variance the Planning Board shall convey its opinion to the Zoning Board of Appeals on the Variances requested.

If the Zoning Board of Appeals grants the Variances, the applicant may resume the process to obtain Site Plan Approval.

#### **Section IX:**

##### **Other Reviews:**

During the Site Plan review process the Planning Board may consult with the Building Inspector/Zoning Officer, Fire Marshall, County Planning Board, and Town Engineer as well as with other local and county officials, representatives of Federal and State agencies and consultants.

#### **Section X:**

##### **Reimbursable Expenses:**

No Building Permit or Zoning Permit shall be issued pursuant to the provisions of this section until all expenses incurred by the Planning Board for consultation fees or the

applicant reimburses other extraordinary expenses in connection with the review of a site plan to the Town of Bristol.

**Section XI:**

**Referral of Site Plan to County Planning Board:**

Where required by General Municipal Law Article 12-B the Site Plan application shall be forwarded to the County Planning Board for its review.

**Section XII:**

**Waivers:**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with these regulations it may vary the regulations so that substantial justice may be done and the public interest secured. Such waiver shall not have the effect of nullifying the intent and purpose of the Comprehensive Plan of the Town of Bristol or any of the requirements of the Zoning and Subdivision regulations. At the time of such a waiver the Planning Board shall make findings to be recorded in the official minutes of the Board outlining the reasons for such a waiver.

**Section XIII:**

**Further Regulations:**

The Planning Board may after a Public Hearing adopt such further rules and regulations, as it deems necessary, to carry out the provisions of this Ordinance.

**Section XIV:**

**Performance Guarantee:**

No Certificate of Occupancy shall be issued until all improvements shown on the Site Plan are installed or a sufficient performance guarantee shall be determined by the Planning Board after a consultation with the Building Inspector/Zoning Officer, Town Attorney, Town Engineer, or other appropriate parties.

**Section XV:**

**Inspection of Improvements and Development:**

The Building Inspector/Zoning Officer shall be responsible for the overall inspection of Site Improvements, including coordination with the Town Engineer and other officials and agencies, as appropriate.

**Section XVI:**

**Expiration of Site Plan Approval:**

Site Plan Approval shall automatically terminate one (1) year after the same is granted unless a Building Permit has been issued and there is physical evidence to demonstrate that the project is in progress within twelve (12) months from the granting of Site Plan Approval.