

## Chapter XXX: Site Plan Review Requirements

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### § XXX-XXX. Statutory Authorization and Purpose

- A. The Town of Coeymans Planning Board is hereby authorized pursuant to Town Law, §274-a, and the Municipal Home Rule Law, §10, to review and approve site development plans as set forth in more detail hereinafter. However, the Planning Board shall not entertain any application for site plan approval for a project that does not comply with the provisions of the Zoning Law of the Town of Coeymans (Chapter 165 of the Code of the Town of Coeymans).
- B. The site plan review procedures and requirements in this Chapter are intended to achieve the following:
  - (1) Provide a consistent and uniform method of review of certain proposed development plans;
  - (2) Ensure full compliance with the regulations and standards in this Chapter, the Zoning Ordinance and other applicable laws, including the Building Code enforced by the Town;
  - (3) Ascertain that significant redevelopment complies with current standards;
  - (4) Create an accurate record of approved development;
  - (5) Achieve efficient use of the land;
  - (6) Protect natural resources; and
  - (7) Mitigate adverse impact on adjoining or nearby properties.
- C. All site plan applications shall conform in all aspects to the Zoning Ordinance of the Town of Coeymans.
- D. All site plan application shall conform to any comprehensive planning document or map as may be prepared at the direction of the Town Board.

### § XXX-XXX. Developments Requiring Site Plan Approval

- A. The construction of any new structures, development of any new use, and all other building or development activities shall require “site plan approval” from the Town of Coeymans Planning Board prior to the issuance of any building permit, including the following:
  - (1) All principal and special uses and their accessory uses in the IG, C and RC Districts.
  - (2) All special uses and their accessory uses in all districts.

- (3) All planned unit developments (PUD's).
  - (4) Any grading or clearing of vegetation affecting one acre or more of land, except grading incidental to the development of an approved residential subdivision or the construction of a single-family or two-family dwelling.
- B. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board.
  - C. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use.
  - D. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect, except as provided in this Chapter.

#### **§ XXX-XXX. Developments Not Requiring Site Plan Approval**

- A. Construction, moving, relocating or structurally altering a single-family dwelling or two-family dwelling, including any customarily incidental accessory structure.

#### **§ XXX-XXX. Review Elements and Criteria**

- A. In acting on any site plan application, the Planning Board, in addition to all other applicable laws, is directed to take into consideration the following:
  - (1) Traffic access and roads.
  - (2) Pedestrian safety and access.
  - (3) Circulation and parking
  - (4) Screening and landscaping.
  - (5) Environmental quality.
  - (6) Fire protection.
  - (7) Drainage.
  - (8) Refuse and sewage disposal.
  - (9) Water supply.
  - (10) Location and dimension of buildings.
  - (11) Impact of the proposed use on adjacent land uses.

- (12) Snow clearance and removal.
- (13) Design elements review.
- (14) Impact of the proposed use on both on-site and off-site infrastructure.

**§ XXX-XXX. Conceptual Site Plan**

- A. An applicant may request a meeting with the Planning Board for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.
- B. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by the Planning Board and shall contain adequate information as required for site plan review to assist the Planning Board in determining the feasibility of the project. The Planning Board shall indicate its general acceptance of the proposed layout of buildings, roads, driveways, parking areas, other facilities, and of the general character of the proposed development.
- C. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, with the result that review of these two submissions may yield different results. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional detail provided in a final site plan.

**§ XXX-XXX. Site Plan Requirements**

- A. The requirements for a final site plan review and approval shall include, but not be limited, to the following:
  - (1) Submission of a site plan application form with payment of the required fee as established by the Town Board.
  - (2) A site plan at the scale of one-inch equals twenty (20) feet, one-inch equals thirty (30) feet, or one-inch equals forty (40) feet. Sheet size shall be twenty-two by thirty-four (22 x 34) inches or thirty-four by forty-four (34 x 44) inches, shall be submitted in paper and electronic form, showing the following:
    - (a) Exact boundary and lot lines, showing bearings and distances, including any interior lot lines.
    - (b) Existing topography at contour intervals of two (2) feet or less, extending fifty (50) feet from the site, and indicate source of contour data.
    - (c) Existing zoning district boundaries within three hundred (300) feet of the site.

- (d) Title block, including the name of the project, the name of the applicant, name of the owner, the name of the map preparer, and address of property.
- (e) The name of adjoining owners within three hundred (300) feet of the property.
- (f) A three-inch-by-three-inch block for Planning Board approval stamp.
- (g) Tax parcel identification (Section-Block-Lot) as approved by the Town Assessor.
- (h) Date of preparation and/or date of any plan revisions.
- (i) North arrow.
- (j) Identify the total parcel area in acres and square feet, as well as for any associated individual lots.
- (k) Small-scale vicinity map at an identified scale of one-inch equals 2,000 feet oriented the same as the site plan.
- (l) Location of existing vegetation, watercourses, wetlands, floodplains, flood elevations, steep slopes and other natural features.
- (m) Bulk table comparing the existing and proposed development dimensions to the requirements of all applicable zoning and overlay districts.
- (n) Show any existing improvements (i.e. drainage systems, waterline, sewer lines, existing well and septic systems, streets, or other man-made features etc.) within three hundred (300) feet. of the property (including location, size and depths).
- (o) Indicate any reference to previous, i.e. file map date, file map number and previous lot number.
- (p) The proposed limits of disturbance and clearing should be shown on the Plan. In addition, the total area of soil disturbance for the entire site and for any individual lots is to be calculated and reported on the plan as a note or in a table.
- (q) Location of and data on any soil and/or groundwater tests. Suitable surface sewage disposal absorption system design and suitable fifty-percent-reserve areas or other proposed means of sewage disposal. The design shall include results of two (2) percolation and two (2) deep pit tests to ascertain subsurface soil, rock and groundwater conditions.
- (r) Proposed water supply. Either individual well designs or connection with existing water supply system to provide water for domestic consumption and fire protection.
- (s) Identify all existing/proposed easements and all deed restrictions or covenants applying to the property.
- (t) Proposed grading plan including all finished elevations and contours.
- (u) Landscaping, existing to be preserved; proposed species, size and location. New trees shall have a caliper of not less than three inches from the base and shall be at least six

feet high when planted. A minimum of twenty-five (25) percent of the site shall be greenspace.

- (v) Proposed parking, including analysis of parking requirement, access/parking for handicapped, circulation, storage, service and display areas.
- (w) Drainage plan, including calculations necessary to support the sizing of the proposed drainage structures and verify that that no adverse impact on existing drainage will result. Watersheds and drainage structures, both upstream and downstream of the site, must be considered. Proposed drainage structures shall be shown, including location, type, and size. Inverts, pipe size and material shall be shown on the plans.
- (x) Site coverage statistics in square feet and as percentage of the total area.
- (y) Architectural plans, including building elevations from the front, rear and side, materials and colors to be used on exterior finishes and any other features the Planning Board may reasonably request.
- (z) The location and size of all proposed buildings or structural improvements (with building and setback dimensions to each lot line) and proposed first floor elevation of all buildings.
- (aa) Service, equipment locations: HVAC, refuse and loading storage.
- (bb) Fencing: location, type and height.
- (cc) Surface treatment (paving, gravel, lawn, ground cover, etc.) identified for all areas.
- (dd) Lighting plan and details showing existing and proposed fixture locations, height, type, and lighting pattern.
- (ee) Location of existing and proposed signage with setback dimensions.
- (ff) Details: storm system, walls, curbs, pavement sections, etc.
- (gg) Erosion and sedimentation control plan in conformance with state guidelines, which includes temporary and permanent methods of stabilization.
- (hh) Identify the soil types of the project site.
- (ii) Where the site is a component or phase of a larger development, an overall plan of the larger development must be submitted.
- (jj) Stamp and signature of a New York State licensed professional. Plans shall be prepared by an engineer, surveyor, architect or landscape architect licensed by the State of New York and authorized under their New York license to execute the plans and contents thereof.
- (kk) The following standard notes:

[1] The applicant shall comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQR), Freshwater Wetlands Permit Regulations, and the Town Floodplains Management.

- [2] The applicant shall bear the sole responsibility for ensuring that all improvements are completed in accordance with approved plans, specifications and standards.
  - [3] No certificate of occupancy shall be issued until all required improvements are satisfactorily completed and witnessed by the Building Department.
  - [4] The developer shall be responsible for keeping existing public highways and adjacent lands free of debris, soil and other matter, which may accumulate due to construction related to the site.
  - [5] All site lighting shall be designed and installed so as not to illuminate adjacent properties or highways.
  - [6] All plant materials installed pursuant to this site plan shall conform to the American Standard Nursery Stock (ANSI Z60.1-1986) of the American Association of Nurserymen or equivalent recognized standard and shall be installed and maintained in accordance with accepted industry practice.
  - [7] No portion of this site shall be used for storage or display of any product or material or for parking of any vehicles or for the conduct of any other business operations, unless specifically designated for such use on this site development plan.
- (3) Professional certification form.
  - (4) Any additional engineering reports, supporting documentation or other information as may be required by the Planning Board to complete its review.

**§ XXX-XXX. Submittal of Incomplete Site Plans**

- A. Submittal of site plans that do not contain the required information as set forth in this Ordinance or otherwise required are not subject to review deadlines and failure to provide a decision by said guidelines does not constitute approval or conveyance of a vested right for said development. The Planning Board shall notify the applicant of the incomplete status of the application.

**§ XXX-XXX. Site Plan Approval Process**

- A. Except those applications for which the Planning Board has waived site plan review, the Planning Board shall issue a notice of completed application to the Applicant upon determining the site plan to be complete.
- B. Within sixty-two (62) days of a complete application, the Planning Board shall schedule a public hearing and provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the public hearing.

- C. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
- D. The decision of the Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

**§ XXX-XXX. Amendments to Site Plans**

- A. Any amendment of a final site plan previously approved by the Planning Board shall be subject to the same approval procedure as provided by this Chapter.
- B. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application for an amended final site plan, provided that the applicant shall formally submit an application to amend and receives formal approval therefore, and that the application to amend must be submitted within two years of the date of the approval proposed to be amended.

**§ XXX-XXX. Performance Guaranty**

- A. The Planning Board may require public improvements, landscaping and other aspects of any development proposal be secured by a performance guaranty in the form of the posting with the Town Comptroller of cash and the execution by the applicant of an escrow agreement therefore. However, the Planning Board shall not be required to accept an offer of cash escrow from an applicant in lieu of performance by the applicant if performance is reasonably possibly within the appropriate time frames for completion thereof.

**§ XXX-XXX. Appeals**

- A. The Town of Coeymans Planning Board shall bear sole and final authority in its decisions pursuant to this Chapter. Decisions of the Planning Board shall be subject only to judicial review in the manner prescribed by law, and shall not be reviewable by the Town Zoning Board of Appeals; nor shall the Zoning Board of Appeals have any jurisdiction with respect to interpretation or modification of the provisions of this Chapter.

**§ XXX-XXX. Conflicts With Other Provisions**

- A. In the event that any provision of any other Town of Coeymans local law, ordinance, or regulation conflicts with the provisions of this Chapter, the more stringent provision shall be controlling.

**§ XXX-XXX. Penalties for Offenses**

- A. Any person or persons, associations or corporations committing an offense against this chapter or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.
- B. In the event of a continuing offense of any section or provision of this chapter, each day that such offense shall continue shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.
- C. Notwithstanding a conviction for any offense against any provision or sections hereof, an association or corporation convicted shall be subject to revocation of any permit therein granted without reimbursement of fees paid thereof.
- D. In lieu of or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense of this chapter, each such offense may be subject to a civil penalty not to exceed \$250 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.
- E. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this chapter, notwithstanding the provisions of Subsections A, B and C of this section, for a penalty or other punishment.