

Village of Chatham – Zoning Review Update
Draft Site Plan Regulations
Last Revised May 13, 2017

The following proposed site plan regulations (along with the proposed special use permit regulations) will replace existing *Article VIII Special Permits and Site Plan Review*

Article VII Site Plan Review and Special Use Permits

§ 110-15 Site Plan Review

- A. Purpose and Intent.** The purpose and intent of Site Plan review is to promote the health, safety and general welfare of the village. A clean and attractive environment is declared to be of importance to the health and safety of the inhabitants of the village 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. It is further the intent of site plan review to ensure that 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. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth herein.
- B. Authority of the Planning Board.** In accordance with of § 7-725-a of Village Law and this article, the Planning Board is authorized to review and to approve, approve with modifications and/or conditions, or disapprove site plans, prepared to specifications set forth in this chapter and in regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan.
- C. Applicability.** Site plan review is required for those uses identified in Article V Use Regulations and as set for in §110-15(C)(1) – (3) of this Chapter. Construction, development, site preparation and/or the issuance of a building permit or zoning permit for any such use shall not be undertaken unless and until the Planning Board has approved, with or without conditions, the site plan for such use. No building permit for a use requiring site plan review shall be valid without site plan approval.
- (1) Change in Use. Site plan approval shall be required for all proposed changes of use involving structures and/or parcel(s).
 - (2) Historic District Overzone. Any activity requiring the issuance of a building permit within the Historic District Overzone shall require site plan approval in compliance with this Article and Article XIII Historic Overzone. For activities that require site plan approval solely because of this Historic Overzone provision, application requirements and review criteria not relevant to historic preservation may be waived by a simple majority of the Planning Board.
 - (3) Accessory uses or structures used in connection with a site plan shall be subject to the same approval requirements as the principal structure or use, unless otherwise specified in this Chapter.

- (4) Exemptions. Renovations that are 100% internal to an existing building or structure are specifically excluded from the provisions of this chapter provided they are not associated with any project that requires site plan approval in accordance with this Chapter

D. Special Use Permit and Site Plan Review

- (1) **Special Use Permit** – A use that requires a special use permit shall also require site plan approval.
- (2) **Review.** The Planning Board shall conduct site plan review independently or in conjunction with their review of a special use permit application. Such review may occur concurrent with or subsequent to special use permit review.

E. Application Procedures

- (1) **Placement on Agenda.** In order for a Site Plan matter to be placed on the Planning Board’s meeting agenda, the required application materials pursuant to paragraph (5), “Application for Site Plan Review,” below shall be submitted to the Village of Chatham Clerk’s Office at least 10 days prior to the date of the Planning Board’s meeting. In order for a sketch plan conference, as described in paragraph [(4), “Sketch Plan,”] to be scheduled, a request for such conference shall be in writing identifying the subject property, its owner and the proposed use, and shall be submitted [10 days prior to the meeting] at which the conference is requested to be scheduled.
- (2) **Completeness Review.** At the first meeting at which a Site Plan application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the Applicant as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The applicant has the right to request a written notice of incomplete items from the Planning Board. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete. As such, the scheduling of a sketch plan conference may resolve confusion and thereby save time by allowing an opportunity for the applicant and the Planning Board to identify what documentation will be expected in order to constitute a complete application.
- (3) **Multiple Uses.** If an application is for a parcel or parcels on which more than one use requiring Site Plan approval is proposed, the applicant shall submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.
- (4) **Sketch Plan.** The applicant may elect to hold a sketch plan conference with the Planning Board prior to the preparation and submission of a formal site plan. The use of the sketch plan conference is strongly encouraged since it may provide for a more efficient and predictable

review process and avoid unnecessary costs. 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.

- (a) In order to accomplish these objectives, the applicant should provide the Planning Board with as much information as is practicable; the following is suggested:
 - i. A sketch plan showing (to an approximate scale) the locations and dimensions of existing and proposed principal and accessory structures, parking areas, and other planned features;
 - ii. 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;
 - iii. A statement or sketch showing significant environmental features such as streams, wetlands, forested areas, and flood plain areas; and
 - iv. A topographic or contour map of adequate scale and detail to show site topography.
 - (b) At the sketch conference, [or within 31 days] after the sketch conference has been held, the Planning Board shall provide the applicant with a list of information to be submitted with the site plan application as well as any recommendations that the Planning Board may have with respect to the proposed application. The list of information may be drawn from the checklist set forth in [paragraph (5), "Application for Site Plan Approval,"] as determined necessary by the Planning Board.
- (5) Application for Site Plan Approval.** An application for site plan approval shall be made in writing to the Code Enforcement Officer on forms supplied by the Village and shall be accompanied by the required fee, a site plan map at a scale of twenty (20) feet to the inch or such other scale as the Planning Board may deem appropriate for the project (prepared by a licensed surveyor, professional engineer, architect, landscape architect, planner or other professional with competency in site design) and such other materials that includes the information contained on the following checklist. If a sketch plan conference was held, the information accompanying the site plan shall include any items that the Planning Board indicated at the conference would be required. The following is a Site Plan Checklist:
- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - (b) North arrow, graphic scale and date;
 - (c) Boundaries of the property plotted to scale;

- (d) Existing watercourses;
- (e) Grading and drainage plan, showing existing and proposed contours;
- (f) Location, design, type of construction, proposed use and exterior dimensions of all structure(s);
- (g) Description of efforts made to integrate the new structure(s) with the Village's architecture and character.
- (h) Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- (i) Type and volume of traffic expected to be generated;
- (j) Provision for pedestrian access;
- (k) Location of waste collection containers/dumpsters and proposed screening;
- (l) Location of outdoor storage, if any;
- (m) Location, design and construction materials for all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- (n) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- (o) Description of method of securing public water and location, design and construction materials of such facilities;
- (p) Location of fire and other emergency zones, including the location of fire hydrants;
- (q) Location, design and construction of materials of all energy distribution facilities, including electrical, gas and solar energy;
- (r) Location, size, design and type of construction of all proposed signs;
- (s) Location and proposed development of all buffer areas, including existing vegetative cover;
- (t) Location and design of outdoor lighting facilities;
- (u) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- (v) General landscaping plan and planting schedule;

- (w) An estimated project construction schedule;
- (x) Record of application for and approval status of all necessary permits from state and county officials;
- (y) Identification of any state or county permits required for the project's execution;
- (z) A short-form or long-form SEQRA Environmental Assessment Form (EAF) with Part 1 fully completed by the applicant (a long-form EAF is required for all SEQRA Type I actions, but the Planning Board may require a long-form EAF for unlisted actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal);
- (aa) Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. A SWPPP shall comply with NYSDEC requirements for stormwater discharges from construction activities; and
- (bb) Other elements integral to the proposed development as considered necessary by the Planning Board.

F. Waivers. The Planning Board may waive one or more of the application requirements in §110-18(F)(5) above.

G. Site Plan Review Criteria

- (1) General Criteria.** The Planning Board shall review the site plan to promote the health, safety, and general welfare of the Village and its citizens. The review shall include, as appropriate, but is not limited to, applicable criteria set forth in this Chapter as well as the following general considerations:
- (a) Consistency with the Comprehensive Plan
 - (b) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project and neighborhood.
 - (c) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (d) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (e) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

- (f) Adequacy of storm water and drainage facilities.
 - (g) Adequacy of water supply and sewage disposal facilities.
 - (h) 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 the existing vegetation.
 - (i) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (j) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - (k) Adequacy of open space areas, if any, for its intended use.
 - (l) Protection of adjacent or neighboring properties against noise, glare, unsightliness, odors, smoke, dust or other objectionable features.
 - (m) Adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
 - (n) Compatibility of structures with the Village's architecture and character along with existing and planned uses of adjacent properties.
- (2) Reservation of Parkland**
- (a) For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to NYS Village Law, Section 7-725-a(6) or its successor legislation.
- (3) Review Criteria for Non-Single-Use Residential Projects.** For the purposes of this Chapter, non-single-use residential projects include all uses except single family, two family and multifamily uses. For all other projects, including mixed-uses with residential, the Planning Board shall consider the following review criteria, when applicable. The Planning Board reserves the right to review multifamily residential uses in accordance with these criteria if the location and surrounding uses necessitate their use.
- (a) Layout and Design**
- i. All structures in the plan shall be integrated with each other and with adjacent structures; and shall be compatible with the character of the Village and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement.

- ii. All structures shall, wherever possible, be laid out in a pattern consistent with the traditional forms found in the Village of Chatham.
- iii. Where feasible, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
- iv. The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians where applicable and feasible.
- v. Compliance with design guidelines and standards

(b) Landscaping and Buffers

- i. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
- ii. Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Village's environment.
- iii. Where feasible, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
- iv. Landscaped buffers shall be provided between uses that may be incompatible, such as largescale commercial uses (including parking areas) and residential uses. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forests land or forest created through natural succession. The width of such buffers will depend upon the topography, scale of the uses and their location on the property, and shall generally be between 50 feet and 150 feet.
- v. For landscaping parking lots, see §110-28.

(c) Parking, Circulation, and Loading

- i. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- ii. Where feasible and appropriate, vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate and feasible.

- iii. Off-street parking and loading requirements of this Chapter shall be complied with, and parking areas shall be located behind buildings wherever possible.
- iv. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Village, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
- v. All structures shall be accessible by emergency vehicles.

(d) Miscellaneous Standards

- i. Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
- ii. The site lighting shall limit glare on adjacent roads and properties.
- iii. Drainage of the site shall recharge ground water to the extent practical.
- iv. Surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.
- v. Dispersal of construction and demolition wastes shall meet all applicable local, county, state, and federal requirements.

(4) Planning Board Review Procedures

(a) Public Hearing Requirements.

- i. **Discretion to Schedule Public Hearing.** The Planning Board has the discretion to hold a public hearing on the application if the Planning Board determines that there are factors involved (such as but not limited to potential public controversy, the desirability of input from adjoining property owners or the public at large and/or the project has the potential for a significant increase in traffic) that warrant a public hearing.
- ii. **No Public Hearing.** If no public hearing is scheduled by the Planning Board for the receipt of public comments regarding the site plan, the Planning Board shall render a decision within 62 days of the acceptance of a completed application for site plan approval.
- iii. **Holding a Public Hearing**
 - 1. If the Planning Board determines that a public hearing is appropriate, the Planning Board shall hold a public hearing on a complete Site Plan application within 62 days from the determination of the Planning Board that the application is complete. The

time in which a public hearing shall begin, may be lengthened only upon consent of the Applicant and Planning Board.

2. The Planning Board shall mail notice of said hearing to the applicant at least 10 days prior to such hearing.
 3. At least 5 days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper.
 4. The applicant shall provide notice of the public hearing and information regarding the project to the owners of all property abutting the subject property and all other owners within 100 feet or such additional distances that the Planning Board may deem advisable, from the exterior boundaries of the land involved in the application. Notice shall be provided by the application via certified mail at least ten (10) calendar days prior to the hearing, with compliance to this notification procedure certified by a U.S. Postal receipt. The names of the owners notified shall be taken from the last completed tax roll of the Village.
- (b) **Reimbursable Costs.** Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan as well as its implementation and inspection shall be charged to the applicant.
- (c) **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 Planning Board shall recommend the amount of the performance guarantee to the Village Board. The Planning Board can consult with an engineer and other appropriate parties in making such a recommendation. The sufficiency of such performance guarantee shall be approved by the Village Board and it may consult with the Planning Board, Code Enforcement Officer, Village Attorney and other appropriate parties in making such determination.
- (d) **Application for Area Variance.** Where a proposed Site Plan contains one or more features that do not comply with the dimensional regulations of this local law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article 10 without a decision or determination by the Code Enforcement Officer. The Planning Board shall decide whether such area variance application and Zoning Board of Appeals decision on same shall occur as a condition to the approval of the site plan, as a prerequisite for a complete site plan application, or in conjunction with the site plan process.
- (e) **Referral to County Planning Department.** Upon receipt of application materials deemed complete by the Planning Board, the Planning Board shall (unless otherwise agreed to between the Village of Chatham and Columbia County) refer to the Columbia County Planning Department any application for a Site Plan affecting real property within 500 feet of the boundary of the Village of Chatham, the boundary of any existing or proposed County or

State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.

- i. No action shall be taken on applications referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Village agree to an extension beyond the 30-day requirement for the County Planning Department's review.
- ii. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to approve any site plan which receives a recommendation of disapproval from the County Planning Department because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.
- iii. In the case of a project proposal which also requires a Special Use Permit, every effort shall be made by the Planning Board to avoid duplication of the County referral process. However, such determination shall be made by the Planning Board in cooperation with the Columbia County Planning Department, since the Site Plan application may contain issues not addressed in the Special Use Permit process.

H. Action. The Planning Board shall approve, approve with modifications, or disapprove the Site Plan within 62 days after the determination by the Planning Board that the Site Plan and accompanying application is complete, or if a public hearing has been held, within 62 days after the close of the public hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision considering the standards or guidelines contained in this Chapter.

(1) Approval of a Site Plan. In approving a Site Plan, with or without modifications, the Planning Board may impose conditions which it considers necessary to protect the health, safety, and welfare of the Village and to achieve the purposes contained in this Chapter. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements or other acceptable techniques, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

(2) Disapproval of Site Plan. Upon disapproval of a site plan, the Planning Board shall notify the applicant in writing, within 5 business days, of its decision and its reasons for disapproval. Such disapproval shall be filed with the Village Clerk.

I. Findings Required. In approving or disapproving Site Plans, the Planning Board shall take into consideration the applicable review criteria set-forth herein, the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

J. Filing of Decision. The written decision of the Planning Board on an application for site plan review shall be filed within five days from the date the decision was rendered in the office of the Village Clerk, with the Code Enforcement Officer and a copy mailed to the applicant. The site plans shall be signed as approved by the Chairman of the Planning Board and filed and mailed together with the decision.

K. Expiration

(1) A site plan approval shall expire if the Applicant fails to obtain the necessary building permit(s) and the approved use is not commenced and diligently pursued within twelve (12) months of the date of issuance of the site plan approval and the Applicant fails to obtain an extension as set forth below.

(2) A site plan approval shall expire if the applicant fails to comply with the conditions of the approval within 12 months of its issuance and the Applicant fails to obtain an extension as set forth below.

(3) A site plan approval shall expire if the approved use ceases for more than twelve (12) consecutive months for any reason.

(4) The Planning Board reserves the right to set a more restrictive time period of revocation as a condition of the issued site plan approval.

(5) A use approved by an expired site plan approval shall not commence or continue without first obtaining a new site plan approval, following the criteria and procedures of this Article

L. Extensions

(1) Upon written request by the Applicant at least 30 days prior to the expiration of the site plan approval, the Planning Board may grant up to two (2) – twelve (12) month extensions. No further extensions will be permitted.

(2) The Applicant's request must demonstrate that the project is the same project originally approved and there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

(3) The request for an extension shall be considered by and at a meeting of the Planning Board and must be received by the Code Enforcement Officer a minimum of ten (10) days prior to the meeting at which the renewal is to be considered.

(4) The Planning Board reserves the right to hold a public hearing prior to granting any extension.

M. Change of Use. A site plan approval shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the site plan approval (as determined by the Code Enforcement Officer) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed uses of outdoor areas. Any other change to a use allowed by a site plan approval shall require the granting of a new site plan approval or a site plan amendment.

N. Revocation and Enforcement.

(1) A site plan approval may be revoked by the Code Enforcement Officer if the permittee violates the conditions of or engages in any construction or alteration not authorized by the site plan approval.

(2) Any violation of the conditions of a site plan approval shall be deemed a violation of this Chapter, and shall be subject to enforcement action as provided herein.

O. Amendments.

(1) The terms and conditions of any approved site plan may be amended in the same manner as required to grant a site plan approval, following the criteria and procedures of this Article.

(2) Any enlargement, alteration, or construction of accessory structures subject to a valid site plan approval shall require an amendment to the site plan approval.