

Site Plan Review and Approval

- A. **Purposes.** The purpose of this Section is to provide regulations governing the applicability, submission requirements, and standards for review and design of uses required to obtain Site Plan approval. The intent is to ensure that the development and use of land does not have an adverse effect on adjacent lands or on the character of the community. Such regulations are designed to protect the community from traffic congestion and conflicts, noise, lighting, odor and other forms of pollution, inappropriate design, flooding, and excessive soil erosion, to ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed, and that its impacts can be mitigated by compliance with reasonable conditions. The regulations are also designed to ensure that new development conforms with the Town's planning goals and objectives, as expressed in its *Comprehensive Plan*.

In accordance with Section XXX, "District Schedule of Use Regulations" and Section XXX, Sections A(1) through (8) herein, Site Plan review and approval is required prior to the issuance of a building permit or Certificate of Occupancy, except for agricultural, forestry and conservation uses permitted by right. The Code Enforcement Officer shall refer the applicant to the Planning Board for Site Plan review and approval in accordance with Section XXX-a of the Village/Town Law and the more specific design standards and review procedures set forth in this Section. In addition to the uses identified on the "District Schedule of Use Regulations," as requiring Site Plan approval the following require Site Plan review and approvals:

1. All Special Permit Uses cited in the "District Schedule of Use Regulations" and accessory uses to Special Permit Uses, or as identified herein, shall be subject to Site Plan review and approval.
2. With the exception of agriculture, forestry and conservation uses, Site Plan approval is required for excavation and construction activities associated with permitted uses and accessory uses thereto within areas of environmental sensitivity as identified herein:
 - a. For lands lying within the Village/Town of Insert Village/Town Here Flood Fringe Overlay District or within flood hazard zone areas as defined by the Federal Emergency Management Agency (FEMA);
 - b. For lands lying within an identified local, state, or federal historic district, or a site containing an identified local, state, or federal historic building or historic structure, or within sites that are contiguous or substantially contiguous with such historic resources;
 - c. For lands lying within a State designated Scenic Area of Statewide Significance, the Mid-Hudson Historic Shorelands Scenic District, or a scenic viewshed or scenic road corridor as officially designated by the Village/Town of Insert Village/Town Here and/or a County, State or Federal agency;
 - d. For lands designated for future trails and lying within the Village/Town of Insert

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Village/Town Here Zoning District, lands designated for parks or trails on the Official Village/Town Map or in the Village/Town of Insert Village/Town Here Comprehensive Plan; and

- e. For lands lying within 1,000 feet of the mean high water mark of the Hudson River.
 3. A new principal or accessory building for which a building permit and Site Plan approval is required by the Village/Town of Insert Village/Town Here.
 4. When expansion of an existing principal or accessory building occurs for which a building permit and Site Plan approval is required by the Village/Town of Insert Village/Town Here. A master plan for all uses is required for multiple uses if any one requires Site Plan approval.
 5. For uses that require Site Plan approval, a change of use will occur when there is a change of ownership or a change of tenant, of an existing principal or accessory building, which increases traffic or requires a greater number of off-street parking spaces under Section XXX of this Zoning Law.
 6. For uses that require Site Plan approval, a change of the intensity of use, a change of ownership or a change of tenant, a change in the amount of floor area devoted to an existing use, or the addition of a new business use or activity (e.g. creating a greater number of dwelling units, increasing the amount of retail space or other floor area available to customers, or additional seating in a restaurant or place of public assembly) or increased demands on water supply, sanitary sewage disposal, stormwater management, and zoning compliance.
 7. A change will occur in the extent of the site devoted to off-street parking, service or loading areas, outdoor storage (both wholly and partially-enclosed), and similar features.
 8. Site modifications will be undertaken to comply with the requirements of the Dutchess County Health Department, New York State Department of Transportation, the New York State Department of Environmental Conservation, or any other agency or jurisdiction.
 9. Alterations will occur in principal site elements, including but not limited to the location, number and configuration of parking spaces; the location and configuration of access and egress points; the location, height, type and intensity of outdoor lighting; the location and treatment of site landscaping, including the extent of the site devoted to lawns and open space and the location, type and extent of landscape plant materials; the location, number and area and design of any freestanding signs; and the location and height of fences, walls and similar improvements.
 10. Initial use of buildings and/or open lands for an occupancy requiring Site Plan review and approval will be established in accordance with Section XXX of this Local Law .
- B. **Sketch Plan Conference.** A sketch plan conference between the Planning Board and the applicant shall be held to initially review the basic site design concept and generally determine the extent of Site Plan review necessary for the intended project and the

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information to be required on the Site Plan and in accompanying reports. At the sketch plan conference, the applicant shall provide a written statement and/or rough sketch describing what is proposed, including an indication of all existing structures and uses, if any, on the site. The Planning Board shall additionally employ the Sketch Plan Conference as an opportunity to discuss with the applicant the 'Site Plan Design Criteria' set forth in Section XXX, the complementary 'Design Standards' adopted by the Village/Town Board and considered an integral part of this Local Law, and the extent of the SEQR review process for the application.

- C. **Application for Site Plan Approval.** Within three (3) calendar months of the sketch plan conference, a complete application for Site Plan approval shall be made in writing to the Planning Board, and shall be accompanied by not less than eight (8) prints of the proposed Site Plan (or as many additional prints as may be required for circulation purposes under SEQR) and one electronic file of the proposed Site Plan, in a form usable by the Village/Town Engineer and Village/Town Planner and for posting on Insert Village/Town Here's Internet Web Site. Such plans shall be submitted at least 21 days prior to a scheduled regular meeting of the Planning Board and shall include information drawn from the following checklist of items, as determined necessary by the Planning Board at the time of the sketch plan conference, and which is provided on a drawing certified by a licensed civil engineer, registered landscape architect, registered architect or other licensed design professionals, as may be necessary to comply with the professional licensing regulations administered by the New York State Education Department:

1. A Site Plan showing the following information:
 - a. Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing;
 - b. North arrow, scale and date;
 - c. An area map keyed to the real property tax maps, showing the parcel under consideration for Site Plan review, and all properties, subdivisions, streets, power lines, and easements within five hundred (500) feet of the boundaries thereof;
 - d. Accurate boundaries of the property plotted to scale, including reference to specific data sources;
 - e. Location and boundaries of all existing natural land and water features on the property including: rock outcrops; isolated trees eight (8) inches or more in diameter at breast height (dbh) and all trees over eighteen (18) inches in dbh (whether isolated or in a forested area); existing vegetative and forest cover, orchards, hedgerows and other ornamental landscaping; stone walls; soil types and boundaries; active farmlands and prime agricultural soils; visually prominent agricultural landscape features such as fields, pastures, and meadows on knolls and hilltops; woodlands along roadways and property lines; scenic vistas; steep slopes in excess of 15

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percent illustrated by shading; and water features. Water features include ponds, lakes, perennial and intermittent streams, wetlands and watercourses, aquifers, aquifer recharge areas, floodplains; and swales, retention/detention areas, and other stormwater management practices. Locally significant trees include, but are not limited to, rare or unusual species, trees associated with historic events or persons, or trees that contribute to an identified scenic viewshed;

- f. Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the sketch plan conference, and such other information as required by the Stormwater Management regulations found in Section XXX;
- g. Location of all existing buildings, structures, signs, and agricultural, forested and conservation lands on adjacent property within one hundred (100) feet of the subject lot lines;
- h. Location, proposed use, height, and setback measurements of all existing and proposed buildings, structures and signs on the applicant's property, including floor plans and plans for exterior elevations at a scale of one-quarter inch equals one foot ($\frac{1}{4}'' = 1'$), showing the structure's mass and architectural features, and indicating the type and color of materials to be used. A table indicating square footage of all building areas to be used for a particular use, such as retail operation, office use, enclosed parking, storage, or other commercial activity; maximum number of employees; maximum seating capacity, where applicable; and number of parking spaces existing and required for the intended use;
- i. Location, design and construction materials of all parking and truck-loading areas (both open and enclosed, if any), including the number of parking spaces required and to be provided, their access and egress drives and clear indication of all traffic patterns on site, curb cuts on the site and within one hundred (100) feet of the site, and all streets which are either proposed, mapped or built. The Village/Town requires the provision of parking areas using alternative paving materials, such as paving blocks where the interstices are filled with sod, or through parking reserve areas which may not be constructed until and unless demand is evident as outlined in Section XXX;
- j. Provision for pedestrian and bicycle access including the location, design and construction materials of all present and proposed walkways, bicycle paths and racks, benches, ramps, outdoor storage or display areas, retaining and/or landscaping walls and fences in connection with such access;
- k. Location of storage for equipment and materials, if any. Outdoor

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storage of materials and equipment is prohibited;

- l. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- m. Description of the method and location of all existing and proposed sewage disposal systems including the design and construction materials of such facilities;
- n. Description of the method and location of all existing and proposed water supply systems including the design and construction materials of such facilities;
- o. Location of fire and other emergency zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies;
- p. Location, design and construction materials of all energy distribution facilities, including electrical, gas, wind, and solar energy and an analysis of LEED compliance (see Section XXX for energy conservation and sustainable building practice requirements);
- q. Location, size and design and construction materials of all proposed signage, including associated lighting, if any. See Section XXX for the requirements of the Village/Town sign and lighting regulations;
- r. Location and proposed development of all buffer areas, including indication of both existing vegetative cover and that portion that will be preserved;
- s. The location, type, and screening details for solid waste disposal facilities and containers;
- t. Estimates of noise generation and compliance demonstrated as set forth in Section XXX;
- u. Detailed landscaping plan and planting schedule, including the number, size, type and location of all canopy trees or understory trees, shrubs and groundcovers to be planted in accordance with Section XXX, the requirements of the Village/Town Landscaping Regulations;
- v. Pedestrian, bicycle and vehicle connections to adjoining properties if feasible and deemed necessary to reduce traffic impacts, as determined by the Planning Board;
- w. Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable;
- x. Other elements integral to the proposed development as considered necessary by the Planning Board, including the identification of any State or County permits required for the project's execution;

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- y. Existing school district (if applicable), zoning districts, and overlay district boundaries, and any special features identified in the Village/Town of Insert Village/Town Here *Comprehensive Plan* within five hundred (500) feet of the site's perimeter. The acreage of each distinct existing and proposed land use on the applicant's property, and the proposed density of each, if residential uses are proposed, shall be provided;
 - z. Plans for the disposal of construction and demolition waste, whether on-site or at a New York State approved solid waste management facility;
 - aa. In the case of multi-family residential development, payment of a recreation fee is required as provided by the fee schedule established and annually reviewed by the Village/Town Board;
2. Required Fees and Supporting Materials. An application for Site Plan review and approval shall not be considered complete until accompanied by the applicable fee and escrow deposit, in accordance with the fee schedule established and annually reviewed by the Village/Town Board, and the supporting materials described below in Subsections C(2)(a) and (b).
- a. Supporting materials. The following materials shall be submitted:
 - i. A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale.
 - ii. A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the tract.
 - iii. Written offers of easement to the Village/Town of Insert Village/Town Here or other public agencies for purposes of stormwater drainage, utility rights-of-way, etc.
 - iv. Identification of all necessary permits from federal, state, county or local agencies, approvals required from said agencies for the project's execution, and proof of Special Permit and/or variance approvals if applicable.
 - v. As applicable, soil logs from on-site borings or test pits, percolation test results, and stormwater runoff calculations.
 - vi. As applicable, plans to prevent: i) the pollution of surface or groundwater; ii) erosion of soil both during and after construction; iii) excessive runoff; iv) excessive raising or lowering of the water table; and v) flooding of other properties.
 - b. Additional supporting materials. The Planning Board may require the following additional supporting materials to be submitted, depending on the size and potential degree of impact on the Village/Town:

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- i Analysis of fiscal impacts to the Village/Town including projected tax revenues and cost of community services using a methodology in common use, such as that described in the most recent versions of Rutgers University's Center for Urban Affairs publications entitled *The Fiscal Impact Handbook* and *The New Practitioner's Guide to Fiscal Impact Analysis*.
 - ii A traffic impact study and analysis due to the proposal's location in heavy traffic areas or traffic generating characteristics. Such study and analysis shall be funded by the applicant, shall be consistent, at a minimum, with the *Traffic Study Methodology Guidelines* published by the New York State Department of Transportation, and shall include:
 - [1] The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - [2] The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - [3] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall be given.
 - [4] Such other supporting materials as deemed necessary by the Planning Board.
3. Environmental Assessment Form. A complete application for Site Plan review and approval shall also be accompanied by a Short or Full EAF as required by SEQR. To avoid delay, applicant's are advised to familiarize themselves with the New York State SEQR requirements for environmental assessment, to determine whether their proposed project meets the thresholds for a Type 1 Action and therefore requires that a Full EAF be submitted to accompany the application for Site Plan approval. If the site is located in a visually sensitive area or on a scenic road identified in the Village/Town Comprehensive Plan, a Visual EAF Addendum will also need to be submitted.
- f. **Site Plan Design Criteria.** The purpose of good site design is to create a functional and attractive development, to minimize adverse environmental impacts, and to ensure that a development project will be an asset to the community. To promote this purpose, the Planning Board in reviewing Site Plans, shall consider the design standards set forth below, the *Village/Town of Insert Village/Town Here Design Standards*, the *Dutchess County Greenway Connections' Guides*, and such other design standards and design guidelines as may be adopted by the Village/Town Board. All design standards and design guidelines are available from the Office of the Village/

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Town Clerk. Such standards and guidelines are intended to provide a framework within which the designer of the development is free to exercise creativity, invention and innovation while recognizing the Town's rural, natural, scenic and historic qualities. The Planning Board may require submission of alternative design and layout proposals based on the standards in this section, the *Design Standards*, *Greenway Connections' Guides*, and other adopted design guidelines.

1. Relationship of proposal to the Village/Town Comprehensive Plan and Official Map.
 - a. Due attention by the applicant should be given to the goals, objectives and the stated general land use policies for the Village/Town and the specific area in which the development is proposed.
 - b. Recognized scenic and/or historic districts within the vicinity of the proposed development should be considered in the Site Plan design, including the use of traditional building forms and layouts which are evidence of the distinctive historical development of the area.
2. Relationship of Buildings to Site
 - a. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian and bicycle movements, and adequate, but not excessive parking areas.
 - b. Cluster all buildings in the plan in as compact a form as possible with due regard to on-site environmentally sensitive features, integrate all buildings with each other and with adjacent buildings and provide convenient access to and from adjacent uses.
 - c. Parking shall be located to the rear or sides of buildings so as to not interfere with the landscape treatment.
 - d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing, or anticipated, adjoining buildings.
 - e. Newly installed utility services, and service revisions which necessitate exterior alterations, shall be underground.
3. Relationship of Buildings and Site to Adjoining Area
 - a. Site Plans proposed for non-residential uses adjacent to a residential district or residential uses shall be reviewed with regard to the impact of the development on that district or use.
 - b. The Planning Board shall encourage the use of a combination of common materials, landscaping, buffers, screens and visual interruptions in order to create attractive transitions between buildings of different architectural styles.

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4. Landscape, Buffering and Site Treatment.. Landscaping shall be in accordance with Section XXX and as follows:
 - a. Where possible, natural or existing topographic patterns, which contribute to beauty and character of a development, shall be preserved.
 - b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting appearance.
 - c. Landscaping should dominate the Site Plan and integrate the various elements of site design, preserving and enhancing the particular identity of the site, including architectural features, scenic vistas and visual corridors and should provide shade, except where it would interfere with solar energy systems or have the potential to interfere with future solar energy systems.
 - d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent developments.
 - e. Plant material shall be selected for interest in its structure, texture, and color, and in consideration of its ultimate growth pattern. Plants shall be used which are indigenous to the area and others that will be hardy, harmonious to the design, and exhibit a good appearance .
 - f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
 - g. Parking areas and traffic ways shall be enhanced with landscaped islands, containing trees and tree groupings.
 - h. Screening of service yards, refuse containers, and other places that tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these, with all such enclosures being compatible in material, texture and color with the principal building or buildings on the site.
 - i. Landscaping shall be designed and maintained so as not to create hazardous conditions.
5. Lighting
 - a. Exterior lighting shall be in accordance with Section XXX of the Zoning Law and shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas.
 - b. The number of light standards and the intensity of lighting shall be the minimum necessary to illuminate the location for safety, without glare or light spillage to adjoining properties.

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- c. Lighting standards shall be appropriate to the design of the structures and shall not exceed fifteen (15) feet in height.
6. Building Design
 - a. Building design shall make appropriate recognition of compatible building forms indigenous to the community, and, in particular of the historic character of the Village and Village/Town of Insert Village/Town Here.
 - b. Materials shall have good architectural character and shall be selected for harmony with traditional building materials. Except when wholly impractical, natural materials shall be used.
 - c. Building components such as windows, roof lines, doors, eaves and parapets, shall have well-designed proportions and relationships to one another and be compatible with the historic character of the Village and Village/Town of Insert Village/Town Here.
 - d. Mechanical equipment such as air conditioners and satellite dishes, or other utility hardware located on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, specified as to color so as to blend with their surroundings, or located so it is not visible from any public or private road, public lands, recreation area, or privately conserved lands.
7. Signs
 - a. Every sign shall be wholly consistent with the requirements set forth in Section XXX of this Zoning Law and shall be well proportioned in its design and in its visual relationship to buildings and surroundings.
 - b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - c. The colors, materials, and lighting of every sign shall be restrained and shall be harmonious with the building and site to which it principally relates.
 - d. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
 - e. Identification signs of a prototype design and corporation logos shall be modified to conform to the criteria for all signs within the Village/Town of Insert Village/Town Here as required by Section XXX of this Zoning Law.
8. Ecological Considerations
 - a. The proposal shall result in minimal degradation of unique or

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irreplaceable land types and in minimal adverse impact upon areas of environmental concern as determined by the Planning Board or as identified by other Involved or Interested Agencies during the SEQR review process.

- b. The proposal shall conform with the existing geological and topographic features, to the end that the most appropriate use of land is encouraged.

9. Drainage

- a. The proposed development shall be so designed as to provide for proper stormwater management, as required by Section XXX, through a system of controlled drainage that preserves existing drainage patterns and protects other properties. All drainage plans shall be reviewed and approved by the Village/Town Engineer.

10. Motor Vehicle and Bicycle Traffic

- a. All entrance and exit driveways shall be located with due consideration for traffic flow, including both vehicles and bicycles, so as to afford maximum safety to traffic on public streets and meet all current design standards of the appropriate State, County or Village/Town authority, unless specifically waived or modified by that authority.
- b. On-site circulation shall be designed for ease of use and to connect safely with adjoining properties where appropriate, including consistency with the *Comprehensive Plan*.

11. Pedestrian Circulation

- a. Pedestrian circulation shall be separated from motor vehicle circulation. Appropriate walkways shall be provided on the site and its approaches if deemed necessary.
 - b. Landscaped, paved, and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
 - c. For any use to which the public is expected to visit, the plan shall make proper provision for buildings and site developments that are accessible to, and functional, for physically disabled persons, by provision of walks and ramps of suitable width and grade; curb cuts; identified wide parking spaces; and ground level building entrances as required in the New York State Uniform Fire Prevention and Building Code and other applicable state and federal laws.
- g. **Planning Board Review of Site Plan.** The Planning Board's review of a Site Plan shall include the following considerations:
1. Whether the applicant has applied the 'Site Plan Review Criteria' set forth in

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this Zoning Law, the *Design Standards*, *Greenway Connections' Guides*, and other adopted design guidelines referenced herein to the intended project to the extent deemed reasonable and practicable by the Planning Board.

2. Whether the applicant has suitably addressed the technical criteria including but not limited to the following:
 - a. Adequacy and arrangement of pedestrian access and circulation, walkways, pedestrian amenities, control of intersections with motor vehicle and bicycle traffic, and overall pedestrian convenience.
 - b. Adequacy and arrangement of motor vehicle and bicycle access and circulation, including intersections, road widths, pavement surfaces, dividers, channelization structures, bicycle lanes and other traffic controls.
 - c. Location, arrangement, appearance and sufficiency of off-street parking and loading facilities.
 - d. Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting, landscaping and signage.
 - e. Adequacy of stormwater management 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-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - h. In the case of a multi-family dwelling, the adequacy of usable open space of play areas and informal recreation.
 - i. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - j. Adequacy of fire lanes and other emergency zones and water supply for fire emergencies.
 - k. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion or in the vicinity of wetlands or similar natural features.
 - l. Compatibility of building design with existing characteristics of the neighborhood and community.
 - m. Consistency with the Village/Town of Insert Village/Town Here Comprehensive Plan, *Greenway Connections*, and if applicable, the Village/Town of Insert Village/Town Here *Local Waterfront Revitalization Plan* including identified Scenic Areas of Statewide Significance, the *Mid-*

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Hudson Historic Shorelands Scenic District Management Plan, and any other adopted planning document affecting the site.

- n. Adequacy of the site design in relation to protection of the natural and cultural environment including consideration of biodiversity conservation, wildlife habitats, sensitive environmental areas, prime farmland soils, and archaeological and historic resources.
 - o. The extent to which the Site Plan continues the existing setback pattern of surrounding properties.
 - p. In cases where a trail connection is planned or is feasible to link the site to residential areas, schools, greenbelts, existing trails or other public facilities, a trail corridor shall be reserved on the Site Plan for this purpose.
 - q. Compliance of the proposal with New York's SEQR regulations including a determination, prior to action on the proposed Site Plan application, as to whether the action will or will not have a significant impact on the environment.
3. Agency and Consultant Review. In its review, the Planning Board may consult with the Village/Town Code Enforcement Officer, the Superintendent of Highways, the Conservation Advisory Council, Historian, other local and county officials and its designated private planning and engineering consultants, in addition to representatives of State agencies including, but not limited to the State Department of Transportation, the State Health Department, and the Department of Environmental Conservation.
 4. Public Hearing. The Planning Board shall conduct a public hearing on the application for Site Plan approval. The public hearing shall be conducted within sixty-two (62) calendar days of the receipt of the complete application and shall be advertised in the official newspaper of the Village/Town at least five (5) calendar days before the public hearing.
 5. Required Referral. Prior to the taking action on the Site Plan and at least 10 days before holding a public hearing on the Site Plan, the Planning Board shall refer the Site Plan, when applicable, to the Dutchess County Department of Planning and Development for advisory review and a report in accordance with Sections 239 (l) and 239 (m) of the General Municipal Law. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from said County Department of Planning and Development or thirty (30) calendar days have elapsed since the Department received such full statement. In the event that the Dutchess County Department of Planning and Development recommends disapproval of the proposal or recommends modification thereof within such time period or at a later date prior to final action by the Planning Board, the Planning Board shall

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not act contrary to such recommendation except by a vote of a majority plus one of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the County Department of Planning.

6. **Waiver of Requirements.** The Planning Board may waive any specific requirements set forth in Section XXX of this Zoning Law for the approval, approval with modifications or disapproval of a Site Plan submitted for approval. The grant of any such waiver shall be accompanied by a finding that compliance with the requirement is either not requisite in the interest of the public health, safety and general welfare or inappropriate to the particular Site Plan.
- h. **Planning Board Action on Site Plan.** Within sixty-two (62) days of the close of a public bearing, the Planning Board shall act on the Site Plan application.
 1. **Action by Resolution.** The Planning Board shall act by resolution to either approve, approve with modifications, or disapprove the Site Plan application. A copy of the resolution shall be filed in the Village/Town Clerk's Office and mailed to the applicant within five (5) business days of the Planning Board's actions. A resolution of either approval or approval with modifications shall include authorization to the Planning Board Chairman to stamp and sign the Site Plan upon the applicant's compliance with the submission requirements stated therein.

If the Planning Board's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with said modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board's resolution shall state specific reasons for such decision. In such a case, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

2. **Submission Requirements for Stamping.** After receiving Site Plan approval, with or without modifications, from the Planning Board, the applicant shall within six (6) calendar months submit a minimum of eight (8) prints, one (1) electronic file, and one (1) reproducible Mylar of the Site Plan to the Planning Board for stamping and signature by the Chairman. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board except that it shall further incorporate any revisions or other modifications required by the Planning Board and shall be accompanied by the following additional information:
 - a. Record of application for and approval status of all necessary permits from Federal, State and County officials.
 - b. Detailed sizing and final material specification of all required

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improvements

- c. An estimated project construction schedule and if a performance guarantee is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate.
3. **Effect of Stamping by Planning Board.** Upon stamping and signature by the Chairman, the Planning Board shall forward a copy of the approved Site Plan to the Code Enforcement Officer and the applicant. The Code Enforcement Officer may then issue a Building Permit or Certificate of Occupancy if the project conforms to all other applicable requirements.
 4. **Expiration of Approval.** Planning Board approval of a Site Plan shall expire if either of the following circumstances occurs:
 - a. The Site Plan is not submitted for stamping and signature by the Chairman within six (6) calendar months of the Planning Board's resolution of Site Plan approval, with or without modifications.
 - b. A complete application for either a Building Permit or Certificate of Occupancy is not submitted to the Code Enforcement Officer within six (6) calendar months of the stamping and signing of the Site Plan by the Chairman.

Upon prior written request to the Planning Board, the time period for either submission of the Site Plan or submission of the complete application for a Building Permit or Certificate of Occupancy may be extended for a maximum period of six (6) calendar months from its otherwise specified termination date.

- i. **Reimbursable Costs for Site Plan.** Reasonable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with the review of a proposed Site Plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in Part B(2) herein. Maximum amounts for such reimbursable costs by project type and size shall be in accordance with the fee schedule established and annually reviewed by the Village/Town Board.
- j. **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. Such performance guarantee shall be posted in accordance with the procedures specified within Sections 274-a(7) and 277(9) of the New York State Village/Town Law. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village/Town Attorney, the Village/Town Engineer, other local officials, or the Planning Board's designated private consultants

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- k. **Inspection of Improvements.** The Code Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the designated Village/Town Engineer and other local officials and agencies, as may be appropriate on projects subject to Site Plan approval. Reasonable expenses incurred by the Village/Town for inspections by the designated Village/Town Engineer or other appropriate professionals, shall in addition to costs associated with Site Plan review, be reimbursed to the Village/Town by the applicant in accordance with the fee schedule established and annually reviewed by the Village/Town Board.
- l. **Integration of Procedures.** Whenever the particular circumstances of a proposed development require compliance with either another procedure in this Local Law, such as Special Permit review and approval, the requirements of the Village/Town Land Subdivision Regulations, or the requirements of the State Environmental Quality Review Act, the Planning Board may integrate, if it deems appropriate, and to the extent of its authority under law, Site Plan review as required by this Section with the procedural and/or submission requirements for such other compliance. Such integration of procedures may require, upon mutual written consent of the Planning Board and the applicant, reasonable modification of the time schedules otherwise stated in this Section or in said related regulations or requirements.
- m. **Relief from Decisions.** Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a Site Plan approval application may apply to the Supreme Court of the State of New York for relief through a proceeding under Section 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Section 78, except that the action must be initiated as therein provided within thirty (30) calendar days after the filing of the Board's decision in the Office of the Clerk.