

**LOCAL LAW No. 2 OF THE YEAR 2005**

**Site Plan Review Law for the Town of Durham**

Be it enacted by the Town Board of the Town of Durham as follows:

**Article I. Title and Purpose**

**A. Title**

This ordinance shall be known and may be cited as "The Site Plan Review Law" of the Town of Durham, New York.

**B. Enacting Clause**

The Town Board of the Town of Durham in the County of Greene, pursuant to Section 274-A of the Town Law, hereby ordains, enacts, and publishes this law.

**C. Application of Regulations**

Prior to the issuance of a building permit for any structure, excepting a one or two-family residential dwelling and its normal or typical out buildings such as storage sheds, garages, etc., the Building Inspector shall require the preparation of a site plan. A site plan shall also be required for commercial additions to one or two-family residential dwellings and for any action or project that changes the use of a parcel of land or any portion thereof from its current use, to anything other than a one or two-family residential dwelling or agricultural use. This local law shall not be applicable to buildings constructed or altered for an agricultural use as that term is defined in the New York State Agriculture and Markets Law.

Notwithstanding any provisions of this Law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as the New York State Environmental Quality Review (SEQR) regulations, shall be complied with.

**Article II. Sketch Plan**

A sketch plan conference shall be held between the Town Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a sketch and a written statement describing what is proposed.

- A. An area map showing the parcel under consideration for site plan review, and all properties (including owner's names), subdivisions, streets, and easements within two hundred (200) feet of the boundaries thereof.
- B. A topographic or contour map of adequate scale and detail to show site topography.

### Article III. Application for Site Plan Approval

An application for site plan approval shall be made in writing to the Building Inspector and shall be accompanied by information drawn from the following checklist, as determined necessary by the Town Board at the sketch plan conference.

#### A. Site Plan Checklist

1. Name of project, including name and address of applicant, contact person, and person responsible for preparation of the site plan.
2. Evidence of approval from all applicable agencies (ex. Health Department, Department of Environmental Conservation, etc.).
3. North arrow, scale, and date.
4. Boundaries of the property plotted to scale.
5. Existing watercourses.
6. Grading and drainage plan, showing existing and proposed contours.
7. Location, proposed use, and height of all buildings.
8. Location, design, and construction materials of all parking and truck loading areas, showing access and egress.
9. Provision of pedestrian access.
10. Location of outdoor storage, if any.
11. Location, design, and construction materials of all existing or proposed improvements, including drains, culverts, retaining walls and fences.
12. Description of the method of sewage disposal and location, design, and construction materials of such facilities.
13. Description of the method of securing public water and location, design, and construction materials of such facilities.
14. Location of fire and other emergency zones, including the location of fire hydrants.
15. Location, design, and construction materials of all energy distribution facilities including electrical, gas, and solar energy.
16. Location, size, design, and construction materials of all proposed signs.
17. Location and proposed development of all buffer areas, including existing vegetative cover.
18. Location and proposed design of outdoor lighting facilities.
19. Designation of the amount of building area proposed for retail sales or similar commercial activity.
20. General landscaping plan and planting schedule.
21. Other elements integral to the proposed development as considered necessary by the Town Board, including identification of any state or county permits required for the project's execution.
22. A completed Environmental Assessment For or Draft Environmental Impact Statement, as required by the Town Board under the NYS Environmental Quality Review Act (SEQR).

## B. Required Fee

An application for site plan review and approval shall be accompanied by a fee of \$50.00.

## Article IV. Town Board Review

The Town Board's review shall include, as appropriate, but is not limited to the following:

### 1. General Considerations

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- b. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- c. Location, arrangements, 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 of stormwater and drainage 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 buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- h. In the case of an apartment complex or other multiple dwelling, the adequacy of unusable open space for 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 the provisions of fire hydrants.
- k. Special attention to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.

### 2. Consultant Review

The Town Board may consult with the Building Inspector, Fire Commissioners, Conservation Counsel, Highway Superintendent, or other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to, the Soil Conservation Service, the State Department of Transportation, and the State Department of Environmental Conservation. The Town Board also reserves the right to hire an engineer or other consultant, at the applicant's expense, to review any information filed by the applicant including that filed under the SEQR process.

### 3. Public Hearing

The Town Board may conduct a public hearing on the site plan. If a public hearing is considered desirable by a majority of the members of the Town Board, such public

hearing shall be conducted within forty-five (45) days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the Town at least five (5) days before the public hearing.

#### Article V. Town Board Action

Within sixty-two (62) days of the receipt of an application for site plan approval, the Town Board shall act on it. If no decision is made within said sixty-two (62) day period, the site plan shall be in the form of a written statement to the applicant stating whether the site plan is approved or disapproved.

If the preliminary site plan is disapproved, the Town Board's statement will contain the reasons for such findings. In such a case, the Town Board may recommend further study of the site plan and resubmission to the Town Board after it has been revised or redesigned. Upon resubmission of the site plan, the Town Board shall act on it within sixty-two (62) days of the receipt of the revised or redesigned site plan.

#### Article VI. Miscellaneous Policies

##### A. 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 sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Building Inspector or other competent persons.

##### B. Inspection of Improvements

The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with other officials and agencies, as appropriate. The Town Board reserves the right to charge the applicant for the cost of the inspection(s).

#### Article VII. Enforcement

Any person, corporation, partnership, or other legal entity that shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of a offense and subject to a fine of not more than one thousand dollars (\$1,000.00) or by penalty of one thousand dollars (\$1,000.00) to be recovered by the Town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue

#### Article VII. Severability

The provisions of this local law are severable. If any article, paragraph or provision of this local law shall be declared invalid, such invalidity shall apply only to the article, section paragraph or provisions adjudged invalid, and the rest of this local law shall remain valid and in effect.

Adopted May 3, 2005

Fee Paid \$ \_\_\_\_\_ Ck. # \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Initials \_\_\_\_\_

**TOWN OF DURHAM  
SITE PLAN REVIEW APPLICATION**

1. APPLICANT Application #. \_\_\_\_\_

Name: \_\_\_\_\_ Home Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Mailing Address: \_\_\_\_\_ Bus. Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

2. PROPERTY OWNER IF DIFFERENT FROM APPLICANT

Name: \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Mailing Address: \_\_\_\_\_

3. PROJECT LOCATION

House No.(911) \_\_\_\_\_ Street \_\_\_\_\_

Post Office \_\_\_\_\_ NY, ZIP \_\_\_\_\_

Parcel Identification No. (Tax Map Number) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Check with local assessor)

Owner\Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

THIS APPLICATION MUST BE ACCOMPANED BY A SKETCH PLAN SHOWING THE PARCEL UNDER CONSIDERATION FOR SITE PLAN REVIEW, AND ALL PROPERTIES (INCLUDING OWNER'S NAMES), SUBDIVISIONS, STREETS AND EASEMENTS WITHIN TWO HUNDRED FEET OF THE BOUNDARIES THERE OF AND A TOPOGRAPHIC OR CONTOUR MAP OF ADEDQUATE SCALE AND DETAIL TO SHOW SITE TOPOGRAPHY.

**See Application Check List on reverse side**

## SITE PLAN CHECKLIST:

Name of project, including name and address of applicant, contact person, and person responsible for preparation of the site plan.

Evidence of approval from all applicable agencies (ex. Health Department, Department of Environmental Conservation, etc.).

North arrow, scale, and date.

Boundaries of the property plotted to scale.

Existing watercourses.

Grading and drainage plan, showing existing and proposed contours.

Location, proposed use, and height of all buildings.

Location, design, and construction materials of all parking and truck loading areas, showing access and egress.

Provision of pedestrian access.

Location of outdoor storage, if any.

Location, design, and construction materials of all existing or proposed improvements, including drains, culverts, retaining walls and fences.

Description of the method of sewage disposal and location, design, and construction materials of such facilities.

Description of the method of securing public water and location, design, and construction materials of such facilities.

Location of fire and other emergency zones, including the location of fire hydrants.

Location, design, and construction materials of all energy distribution facilities including electrical, gas, and solar energy.

Location, size, design, and construction materials of all proposed signs.

Location and proposed development of all buffer areas, including existing vegetative cover.

Location and proposed design of outdoor lighting facilities.

Designation of the amount of building area proposed for retail sales or similar commercial activity.

General landscaping plan and planting schedule.

Other elements integral to the proposed development as considered necessary by the

Town Board, including identification of any state or county permits required for the project's execution.

A completed Environmental Assessment For or Draft Environmental Impact Statement, as required by the Town Board under the NYS Environmental Quality Review Act (SEQR).