

Topic:	Site Plan Approval
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Guilderland
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Suburban; Rural
Title:	Town of Guilderland Site Plan Approval Ordinance
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Abstract

This law outlines the application procedures required for site plan approval in the town of Guilderland, New York. The topics covered by the law include: authorization to grant or deny site plan approval; time of submittal; preapplication sketch; application for preliminary site plan approval; factors for consideration; modification; action on preliminary application; application for final detailed site plan approval; and action on the final detailed site plan application.

Resource

Town of Guilderland, N.Y., Site Plan Approval
Code of the Town of Guilderland, N.Y.
Chapter 280 Zoning
§ 280-53. Site plan approval.
General Code

§ 280-53. Site plan approval.

- A. Purpose. The purpose of site plan approval is to determine that a proposed development subject to site plan approval is in compliance with the objectives of this chapter, creates no unhealthful or unsafe conditions and does not adversely impact on adjacent land uses or the health, safety or general welfare of the community.
- B. Authorization to grant or deny site plan approval. The power to approve or approve with conditions site plans as required by this section is vested in the Planning Board. Prior to issuing a building permit for the construction of any townhouse or mobile dwelling unit; or before any permit for erection of a permanent building in a planned unit development shall be granted; or before any subdivision plat or any part thereof may be filed in the office of the Albany County Clerk, the Chief Building Inspector and Zoning Coordinator shall refer the site plan and supporting documentation of such

project to the Planning Board. All site plan information shall be prepared by a licensed architect, engineer, surveyor or landscape architect. All site plans shall show the seal and signature of said architect, engineer, surveyor or landscape architect. In addition, such professional shall submit to the Town a signed affidavit that the plans for the project were prepared by said professional, his employees or by an agency of the federal, state or local government. No building permit shall be issued except in accordance with standards and procedures set forth in this section.

C. Time of submittal.

- (1) A site plan shall be submitted to the Planning Board only when the land on which the proposal is situated is in the proper zoning district to allow the intended use(s), except for proposals submitted pursuant to § 280-17. The Planning Board shall determine which of the following stages and/or date requirements are necessary and completely document its reasons for its actions on these matters as part of the information on an application.
- (2) Prior to issuing a building permit for the construction of a building on a parcel of land for any permitted use in any district, except single-family dwellings and their customary accessory structures and farm-related structures, the owner, developer, agency or Chief Building Inspector and Zoning Coordinator shall refer the site plans for such parcel of land to the secretary of the Planning and Zoning Department. Such plans shall be placed on the agenda of the Planning Board for its review and approval.

D. Preapplication sketch.

- (1) The developer should arrange with the Planning Board secretary for an informal discussion with the Planning Board prior to submission of a preapplication sketch of the site plan, to determine any or all of the data to be included in the preapplication sketch.
- (2) The secretary schedules informal discussion for the next convenient public Planning Board meeting or, otherwise, at the convenience of the Board, but in no event shall such informal discussion take place less than seven days from the date of filing the preapplication sketch.
- (3) The preapplication sketch shall include:
 - (a) Title of drawing, North arrow, date and scale. North arrow shall point to the top of the plan sheet.

- (b) Location of site with respect to existing and proposed rights-of-way and intersections.
 - (c) Internal street pattern, if any, of the proposed development.
 - (d) Location of all existing structures on the site and future use of the same.
 - (e) Existing zoning classification(s) of the property and all adjacent properties, and any restrictions on land use of the site.
 - (f) Existing natural features on the site and future use of the same.
 - (g) Contour intervals at 10 feet, including 200 feet of adjacent property.
 - (h) Names of owners of adjacent properties.
- (4) The Planning Board may, at this state, suggest changes in the preapplication sketch involving street layout, traffic patterns, lot size or shape, preservation of natural features or other matters which, in its opinion, will improve the layout in keeping with the best interest of the Town.
- (5) The Planning Board shall be permitted to have a reasonable time to review the plan but in no instance longer than 45 days unless provided for elsewhere in this chapter.
- (6) The Planning Board shall notify the applicant, in writing, of its decision. A copy of the minutes of the meeting at which the decision was made shall suffice.
- E. Application for preliminary site plan approval. Any preliminary application for site plan approval shall be made in writing. The preliminary application and required information shall be submitted to the Chief Building Inspector and Zoning Coordinator at least 15 days prior to the date for the public hearing. Ten copies of the preliminary application and required information as set forth below shall be submitted. The preliminary application shall be accompanied by any or all of the following information, as required by the Planning Board, prepared by a licensed engineer, architect, landscape architect or surveyor, and certified by the seal and signature of such professional.
- (1) An area map showing that portion of the applicant's property under consideration, the applicant's entire adjacent holdings and all properties, subdivisions, streets and easements within 500 feet of the applicant's property.

- (2) A tracing overlay showing existing contour intervals of not more than five feet of elevation, and shall include 200 feet of adjacent property.
- (3) A tracing overlay showing proposed finished contour intervals of not more than five feet of elevation and direction of drainage with arrows. Data required here may be placed on the same tracing as required in Subsection E(2) above, provided that the proposed finished contours are illustrated by solid lines.
- (4) A preliminary site plan, including the following information:
 - (a) Title of drawing, including name and address of applicant.
 - (b) North arrow pointing to the top of the plan sheet, scale and date.
 - (c) Boundaries of the property plotted to scale.
 - (d) Existing watercourses.
 - (e) A plan showing the location of all buildings; location and size of off-street loading facilities, with access and egress drives thereto; location and size of outdoor storage, if any, and the method of screening the storage area from public view; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities, and any proposed changes in existing stream channels; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and any existing and proposed easements and the location, if any, of waste storage and the method of screening from public view, air-conditioning units and other facilities located on roof tops of buildings, and location of exhaust fans for use in relationship to adjacent residential areas.
 - (f) A tracing overlay showing all soil areas and their classification, and those areas, if any, with moderate to high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

F. Factors for consideration.

- (1) The Planning Board's review of a preliminary site plan shall include, but is not limited to, the following considerations:

- (a) Full conformance of the site plan with the provisions of this chapter.
- (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, drainage channelization structures and traffic controls. Consideration will also be given to the project's impact on the overall traffic circulation system of the neighborhood and the Town.
- (c) Adequacy of fire lanes and other emergency zones, traffic circulation and system of fire hydrants.
- (d) Adequacy and arrangement of pedestrian traffic access and circulation, including, but not solely limited to, separation of pedestrians from vehicular traffic, control of intersections and overall pedestrian convenience; where appropriate, consideration of access and facilities for bicycles.
- (e) Location, arrangement, site, design and general site compatibility of buildings, lighting and signs. As much as it is possible, consideration should be given to noise sources, privacy, prevailing wind directions and seasonal sun movements when locating structures, patios and open spaces on parcels, exhaust fans and outdoor waste disposal locations.
- (f) Location, arrangement and setting of off-street parking and loading areas.
- (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these adjoining properties.
- (h) In the case of an apartment house or multiple-dwelling complex, the adequacy of usable open space for playgrounds and informal recreation.
- (i) Adequacy of provisions for the disposal of stormwater and drainage, sanitary waste and sewage, water supply for both fire protection and general consumption, solid waste disposal and snow removal storage areas.
- (j) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- (k) Protection of adjacent properties against noise, glare unsightliness or other objectionable features.

(1) Retention of existing trees and vegetation for protection and control of soil erosion, drainage, natural beauty and unusual or valuable ecology.

(2) In its review, the Planning Board is encouraged to consult with the Town Engineer and other Town officials and boards, as well as with representatives of federal and state agencies, including the Soil and Water Conservation District, the United States Army Corps of Engineers or the New York State Department of Environmental Conservation. The Planning Board may require that interior design of all structures be made by or under the direction of a registered architect whose seal shall be affixed to the plans.

G. Modification. The Planning Board may require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.

H. Action on preliminary application.

(1) Within 60 days of the receipt of the application for preliminary site plan approval, the Planning Board shall act on it. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned.

(2) No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with a moderate to high susceptibility to erosion, or excavation for and construction of site improvements shall begin until the developer has received final site plan approval and met any conditions thereof. Failure to comply shall be construed as a violation of this chapter, and, when necessary, final site plan approval may require the modification or removal of unapproved site improvements.

I. Application for final detailed site plan approval.

(1) After receiving conditional approval from the Planning Board in a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare his final detailed site plan and submit it to the Planning Board for approval; except that if more than six months has elapsed

between the time of the Planning Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for approval.

- (2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It shall incorporate any revision or other features that may have been recommended by the Planning Board at the preliminary review. In addition to that provided elsewhere in the law, the Planning Board may require a letter of credit, bond or maintenance bond for any facility or improvement that is indicated as part of the plan, such as parking areas and buffer and screen devices. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

J. Action on the final detailed site plan application.

- (1) Within 60 days of the receipt of the application for final site plan approval, the Planning Board shall render a decision to the Chief Building Inspector and Zoning Coordinator.
- (2) Upon approving an application, the Planning Board shall endorse its approval on three copies of the final site plan and shall forward one copy to the Chief Building Inspector and Zoning Coordinator who may then issue one or more building permits to the applicant if the project conforms to all other applicable requirements of this chapter. The second copy shall be filed with the Planning Board, and it shall be considered the legally approved plan with which all development on the respective site must conform. The third copy shall be forwarded to the applicant.