

Site Plan: Maps drawings, supportive data describing the project proposal or development plan for one or more lots on which are shown the existing or proposed conditions of the lot, submitted to the Planning Board for Planning Board review.

Site Plan Application: An application for site plan approval that has been received by the Planning Board, but has not yet been determined by the Planning Board to constitute a complete site plan application.

Sketch Plan: Conceptual maps, renderings and supportive data, that describe the project proposed by the applicant for initial review. These can be used by the applicant as the basis for preparing the site plan application for Planning Board review.

Sketch Plan Conference: Initial Planning Board review of the project proposal with the applicant.

Solar Energy System: Solar Panels, solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal and photovoltaic systems.

Solar Panel: A device for the direct conversion of solar energy into electricity.

Solar Tier I Energy System: Any Solar Energy System physically attached to the exterior of the Structure to which it will service, no portion of which is attached to the ground except for electric lines.

Solar Tier II Energy System: Any Solar Energy System not attached to the Structure to which it will service but located on the ground on the same property as the Structure it will service, and which Solar Energy System will generate no more than 110% of electricity consumed on said property by said Structure over the previous 12 months.

Solar Tier III Energy System: Solar Energy Systems that do not meet criteria of Tier I or Tier II such as:

1. Free standing Solar Energy Systems, commonly known as community solar, whereby electricity is shared by a group of investors or municipalities through net metering.
2. Free standing Solar Energy Systems on one property that provides electricity through net metering to another property they own.
3. Free standing Solar Energy Systems on one property that sells power to a power supplier.

Solar Energy: A renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load.

Solid Waste: Any waste material defined as "solid waste" in 6NYCRR, Part 360, Sec. 360-1.2(a) and "recyclables" as defined in the "Washington County Recycling Handbook" (Department of Public Works, Solid Waste Division).

Start of Construction: The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling; installation of roads, excavation for a basement, footing, foundations or the erection of temporary forms. Start of construction also includes any work for which a valid building permit is required.

Street: See road

Structure: Any materials or combination of materials that are constructed, erected, built or placed above or below the surface of the ground or water or any edifice or building of any kind, which requires location on or below the ground or water or is attached to something having a location on or below the ground or water, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., excepting outdoor areas such as paved areas and walkways.

Temporary Structure: Any structure as defined hereinabove that will not be in use for more than one hundred and twenty (120) days and that will be taken down or dismantled on termination of the use.

Thoroughfare: A way or place for passage for vehicular traffic.

Use: Any purpose for which a lot, structure or tract of land may be designated, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Warehousing: Facilities for handling freight, with or without maintenance facilities; and buildings used primarily for the storage of goods and materials.

Water, surface: Water contained in streams, rivers, ponds, wet areas, lakes and other waterbodies and watercourses, or that drains across land.

Waterbody: Any natural or man-made body of water, such as pond, lake, wetland or wet area which does not necessarily flow in a definite direction or course.

Watercourse: A channel in which a flow of water occurs either continuously or intermittently.

Waterfront Property: See Shoreline Lot

Wetlands: Any area designated as a wetland by the New York State Department of Environmental Conservation, Army Corp of Engineers or the National Resources Conservation Service of the United States Department of Agriculture.

Wholesale Storage and Warehousing: The storage of goods for sale primarily off-site. Also included is the storage of building materials whether for sale on or off premises and the storage of construction equipment.

Article IV Applicability

1. Land Uses Subject to and Exempted from Site Plan Approval

Site plan approval shall be required for any establishment of a new land use or any change in an existing use, or to construct, expand or convert any building or structure, or for any amendment to an approved site plan except the following:

1.1 Exemptions from Site Plan Review:

- a. Construction of one family and two family dwellings.
- b. Construction of two single-family dwellings on an undivided lot.
- c. Placement of an individual mobile home or trailer as regulated by “An Ordinance Regulating Mobilehomes and Mobilehome and Trailer Parks” adopted by Town Board of Hampton, June 3, 1970. Mobile Home Law amended by Local Law #4 of 2014 regulating Mobile Homes Outside Mobile Home Parks, along with the repeal of Local Law #2 of 1989 Mobile Home Ordinance.
- d. Construction of ordinary accessory/appurtenant structures including, one accessory apartment to a single-family dwelling.
- e. Ordinary repair or maintenance of existing structures or uses.
- f. Agricultural land uses and structures, including, but not limited to farm mines, (750 cubic yards or less) on a parcel for which the principal use is agricultural.
- g. Exterior expansions of structures in existence as of the adoption of March 4, 2004, the date of adoption of the Town of Hampton Site Plan Review Law, such exterior expansions not to exceed 1,000-sq. ft. or 25% of the footprint of an existing structure, whichever is less. This exemption shall not apply modifications to any improvements made pursuant to any site plan approval granted by the Planning Board under this Town of Hampton Site Plan Review Law, which such modifications will require site plan review by the Planning Board under this Town of Hampton Site Plan Review Law. **Amended by Local Law 1 of 2007.**
- h. Non-illuminated signs under thirty-two (32) square feet that are not part of a project that is subject to review.
- i. Incidental landscaping or grading.
- j. Two family dwellings by conversion.
- k. Solar Tier I Energy System or Solar Tier II Solar Energy Systems.

2. Existing Uses and Structures

This Site Plan Review Law does not apply to any uses and structures that are lawfully in existence as of the date that this law becomes effective. Any use, that would otherwise be subject to this local law, that has been discontinued for a period of one year or more; shall be subject to review pursuant to the terms of this law before such use is resumed.

Any use or structure shall be considered to be in existence provided such use or structure has started physical construction of the building prior to the effective date of this law and is fully constructed and completed within one year after the effective date of this local law. Completion shall be determined by the date of the issuance of a certificate of occupancy.

3. Complete or Partial Destruction or Removal

Nothing contained in these regulations shall be deemed to prevent the restoration, replacement or reconstruction of a lawfully existing structure or use which has been destroyed or damaged provided that:

- a. The structure is not expanded or enlarged and is restored, replaced or reconstructed on the same site and on the same footprint.
- b. Replacement shall commence within one year from the date of destruction.
- c. Projects shall be completed within two years from date of issuance of a building permit.

4. Right of Written Determination

Any person uncertain of the applicability of this law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination. The Planning Board shall give a written jurisdictional determination within 45 days of the receipt of the written application to the Planning Board.

Article V

Site Plan Review Procedures

1. General

Before commencing any land use activity that is not otherwise exempt from the provisions of this law, the owner of the property where the activity is proposed to take place or where a person authorized in writing to act for such owner, shall, in accordance with the provisions stated herein, submit a site plan application together with appropriate supporting data to the Planning Board for review.

2. Sketch Plan

A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and filing of a formal site plan with the Planning Board. The purposes of such a conference are 1) to enable the applicant to inform the Planning Board of a proposal prior to the preparation of a detailed site plan and 2) for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and 3) to generally determine the information to be required on the site plan and for a complete application. In order to accomplish these objectives, the applicant shall provide the following:

- a. A statement and rough sketch map based on a tax map or other survey map showing the locations and dimensions of principal and accessory structures, parking areas, access signs, existing and proposed vegetation and other proposed features, anticipated changes in the existing topography and natural features;
- b. A site location map showing the parcel that is the subject of the application for site plan review and surrounding properties, subdivisions, public and private roads, streets, right-of-way, easements and other pertinent features, e.g.: Washington County highway map; and
- c. A topographic or contour map to show site topography from a United States Geological Survey (USGS) sheet or map.

3. Application for Site Plan Approval

To apply for site plan approval, an applicant shall complete a site plan application form. The application shall be submitted to the Town Clerk at least fifteen (15) days prior to the regularly scheduled meeting and shall be accompanied by all fees and data required by Article D, Section 4 (hereinbelow) of these regulations.

4. Site Plan Submission Requirements

The site plan submitted for approval and supporting documentation shall include, at a minimum, all of the following information:

4.1 Site Map

The plat to be filed with the Town Clerk shall be printed upon Mylar. The size of the sheets shall be at least 11 inches by 17 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall show:

- a. Title of the site plan, including name and address of applicant and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.
- d. Location, size and existing use of buildings and other structures on premises.
- e. Location and ownership identification of all adjacent lands including across roadways and waterways.
- f. Location, name and width of existing adjacent roads.
- g. Location, width and identification of all existing and proposed rights-of-way, easements, setbacks, reservations and areas dedicated to public use on site or on an adjoining the property.
- h. Location of steep slopes, wetlands, flood and erosion-prone areas, watercourses and natural drainage patterns.
- i. Location of significant trees, shrubs and/or edge of wooded areas.
- j. Location of all structures, significant environmental features and utilities within 100 feet of the property line.

4.2 Development Plan Map

- a. Grading and drainage plan, showing existing and proposed contours and watercourses if a change in topography is proposed.
- b. Locations, type of construction and exterior dimensions of all buildings and other structures.
- c. Identification of the amount of gross floor area (GFA) proposed for retail sales and services, offices and other commercial or industrial facilities.
- d. Location, type of construction and area of all parking and truck loading areas, showing access and egress points to the site.
- e. Provision for pedestrian access and circulation, including public and private sidewalks, if applicable.
- f. Location and intended use of outdoor storage, if any.
- g. Location and construction materials of all existing or proposed site improvements including drains, culverts, berms, retaining walls, fences, patios, paved areas and decks.
- h. Description of the method of sewage disposal and the location of such facilities.
- i. Location of waste storage containers, including proposed solid waste and hazardous waste collection, storage and staging areas.
- j. Description of the method of securing water, location of such facilities and approximate quantity of water required.
- k. Location of fire lanes and other emergency zones, including the location of fire hydrants if required.
- l. Location, design and construction materials of all energy generation and distribution facilities, including electrical, gas, hydro, solar and wind energy.
- m. Location, size, design and type of all proposed temporary and permanent signs.
- n. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
- o. Location and design of existing and proposed outdoor lighting, including height, type, bulb type/style and hours of operation.
- p. Proposed planting plan including screening and buffer areas with the planting and general landscaping schedule.
- q. Record of applications and approval status of all necessary permits from federal, state, county and local offices and agencies.
- r. Estimated project construction schedule.
- s. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference, such as contour intervals or licensed survey, etc.
- t. Elevations or cross-sections of proposed buildings.

4.3 SEQRA Compliance

In addition to the above list, the applicant shall prepare and file with the site plan application, the New York State Environmental Assessment Form (EAF) to allow the Planning Board to determine the applicability of the State Environmental Quality Review Act (SEQRA). The Planning Board shall determine compliance with SEQRA prior to site plan approval.

4.4 Verification of Ownership

If the person filing the site plan application is the owner of the property on which the land use activity is proposed, a notarized statement to that effect shall be filed, giving the name(s) of the owner(s) of the property.

4.5 Designated Agent

For non-owner applicants, a notarized written permission of the owner(s) that references the proposed land use shall be filed with the Planning Board.

4.6 Additional Information and Documentation

The Planning Board shall have the authority to require such additional information and documentation from the applicant, as it shall deem necessary in the Planning Board's sole discretion to conduct an informed and adequate review.

5. Less Intensive Review

The Planning Board may conduct a less intensive review for projects that do not have significant potential adverse impact on neighboring properties and uses. The Planning Board may waive certain requirements of Article V above for such projects. The Planning Board; however, must state the application requirements being waived, its grounds for waiving such application requirements and file such statement along with the site plan application and supporting documents.

6. Specifications of Materials Submitted

6.1 Site Map:

This shall be drawn at a scale of one-inch to equal fifty (50) feet or larger and shall show existing topography at contour intervals of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as watercourses, wetlands, wooded areas, areas subject to flooding, flood zones etc.

6.2 Development Plan:

This is a detailed plan for the proposed development, drawn to scale of one-inch to equal fifty (50) feet or larger. The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls and fences; provides a description or shows the location of proposed buffer areas; the design of lighting facilities and signs; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits and entrances.

6.3 Elevations and/or Cross-Sections:

Elevations and/or cross-sections, illustrating front, rear and side profiles drawn to the scale of one eighth inch equals one-foot, may be required by the Planning Board. The elevations and/or cross sections shall clearly delineate dimensions of all buildings, building materials and other permanent structures included in the proposal, including the dimensions and height of lighting facilities and signs.

6.4 Plans:

The Planning Board shall require, as appropriate, engineering plans prepared by a licensed professional to illustrate and describe such development aspects as: road improvements, drainage

systems, grading plan, public or private utility systems, sewer and water facilities and such other supporting data as may be necessary.

6.5 Reimbursable Costs:

The Planning Board may engage its own consultants in the review of a site plan application and ask the applicant(s) to pay its reasonable and actual costs of doing so. Such costs shall not exceed three thousand five hundred (\$3,500.00) dollars where the application is subject to the State Environmental Quality Review Act ("SEQRA") and the Planning Board issues a negative declaration for the action. In cases where the Planning Board issues a positive declaration pursuant to SEQRA, such costs shall be in accord with the formula set forth in Section 617.13 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York as it may be amended from time to time.

7. Acceptance of Application

The Planning Board shall, within forty-five (45) days of the filing of a site plan application, or at its next regular meeting after such filing, whichever is sooner, decide whether to accept the application as complete and begin the review process, or to reject the application as incomplete. If the Planning Board requires a Draft Environmental Impact Statement (DEIS) or if one is filed by the applicant(s), then the application shall not be deemed complete until the DEIS is filed and accepted by the Planning Board. If the Planning Board deems an application incomplete, it shall then notify the applicant(s) in writing of the deficiencies.

8. Segmentation

The site plan applications and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

9. Referral to Other Agencies and Boards

After determining an application complete the Planning Board, if required by Section 239m of General Municipal Law, shall refer the site plan application to the Washington County Planning Board. If a public hearing is required or deemed necessary by the Planning Board then notice of the proposed action accompanied with a "full statement" must be sent to the Washington County Planning Board at least 10 days before public hearing.

The Planning Board may also coordinate its review (if not otherwise required by state law) or consult with federal, state and local agencies and boards.

10. Public Hearing

The Planning Board may conduct a public hearing on site plan applications within sixty-two (62) days after it has determined an application to be complete. It shall then advertise such hearing at least ten (10) days in advance of the public hearing in a local newspaper of general circulation. The Planning Board shall also mail a notice of the hearing to the applicant(s) and adjoining landowners or any other landowner (s) or entity (entities) it deems appropriate at least ten (10) days before the hearing.

A public hearing on the application will be mandatory for the following land use activities:

- a. Heavy industrial uses.
- b. Construction of a mall or mini-mall.
- c. Facilities used for the disposal of solid waste.
- d. Facilities generating sufficient quantities of hazardous waste to require issuance of a "Generator Number" from the U.S. Environmental Protection Agency.
- e. Facilities involving or used for the transport or disposal of hazardous waste in any quantity.
- f. A Tier III Solar System.

11. Decision

Within sixty-two (62) days of the close of the public hearing or acceptance of the application, the Planning Board shall render a decision to approve, approve with conditions or modifications, or disapprove the site plan application.

- a. Approval. Upon approval of the site plan and payment by the applicant(s) of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and immediately file a copy of the site plan with a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant(s) by certified mail.
- b. Approval with modifications. The Planning Board may approve the site plan and require specific modifications be made. A copy of the written statement shall be mailed to the applicant(s) by certified mail. The Planning Board shall endorse its approval on a copy of the site plan containing the required modifications and immediately file the site plan and a written statement of approval with the Town Clerk.
- c. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall be immediately filed with the Town Clerk and a copy thereof mailed to the applicant(s) with a letter stating the Planning Board's reason(s) for disapproval.
- d. Default approval. If the Planning Board fails to render a decision within sixty-two (62) days of the close of the public hearing or within the time agreed upon between the applicant(s) and the Planning Board, such failure shall constitute an approval of the site plan as submitted or last amended.

12. Extension of Time to Render Decision

Any time limitation in this article may be extended by mutual consent of the applicant(s) and the Planning Board.

Article VI Design Objectives

1. General Objectives

Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. New development shall be compatible with the rural, small town character of the community.

2. General Considerations

The Planning Board's review of site plans shall include as applicable the following:

- a. Location, arrangement, size, construction materials and overall design of the project including but not limited to structures, lighting, signs, fences and all landscaping must be compatible with the natural surroundings and existing structures.
- b. Consideration of aesthetics in the project design.
- 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 for commercial facilities.
- e. Adequacy of snow storage, storm water and drainage facilities.
- f. Adequacy of water supply and sewage disposal facilities.
- g. Adequacy of site design for fire protection with particular attention to access for emergency vehicles.
- h. Adequacy and arrangement of pedestrian access and circulation.
- i. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and buffer zones, procedures used during construction and restrictions on outside activities.
- j. Proposed fences shall be of sufficient height to screen visually from adjacent uses, but shall not be of such a height or placed in such a manner as to interfere with sight distance related to traffic and well as access to any thoroughfare.
- k. Buffering, screening and fencing materials shall be of such a character and be placed so as to be in character with the surrounding areas.
- l. Protection of environmentally sensitive areas.
- m. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors emissions or noxious and offensive uses. No land use shall generate excessive audible sound at the lot line, taking into consideration the surrounding land use.
- n. Absence of dangerous or hazardous activities and materials.

3. Natural Resource Considerations

In general, sites to be developed should avoid areas where the following conditions are present:

- a. Slopes greater than fifteen percent (15%).
- b. Bedrock less than five (5) feet from the surface and areas of frequent rock outcrops.
- c. Areas of high groundwater (seasonal or permanent).
- d. Soils with excessively slow or fast percolation.
- e. Flood hazard areas.
- f. Regulated freshwater wetlands (New York State Department of Environmental Conservation & Army Corps of Engineers).
- g. Shores of waterbodies, banks of watercourses or the headwaters of a watershed.

4. Rural Design Guidelines

To help insure that new development is compatible with the rural, small town character of the town, the Planning Board shall apply the following design guidelines to its review of site plans:

- a. Whenever feasible, retain and re-use old farm roads and country lanes instead of constructing new roads and driveways.
- b. Whenever feasible, new buildings should be placed at the edges of fields or in cleared areas next to fields, instead of in the middle of fields. Septic systems and leach fields; however, may be located in fields.
- c. Unless buildings are designed traditionally and located close to the road in the manner historically found in rural areas and small towns, use existing vegetation and topography to buffer and screen them.
- d. Minimize clearing of vegetation.
- e. Whenever feasible, situate parking lots to the side and rear of buildings;
- f. Lighting should be designed and arranged so as to minimize glare on adjacent properties and onto public places.

5. Site Access Standards

Site plan approval should be conditional upon the applicant(s) obtaining any necessary curb-cut permits. In addition, site plans should comply (if applicable) with the following site access guidelines:

- a. Access drives shall be constructed and maintained as to provide for year-round access.
- b. In cases where sites have frontage on more than one (1) road, the principal point of access shall be from the secondary road (whenever feasible).
- c. Driveways shall be combined (whenever feasible) to minimize the number of access points onto roadways.
- d. There shall be a maximum to two (2) driveway entrances per developed lot;
- e. No driveway centerline shall intersect a streetline less than seventy (70) feet from the intersection of any two (2) roadways.
- f. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.

6. Tier III Solar Requirements

All proposed Tier III Solar Energy Systems shall undergo Site Plan Review in accordance with this Site Plan Review Law. In addition to the requirements of the Site Plan Review law, the applicant shall provide the following documents to the Town of Hampton Planning Board.

a. Blueprints or drawings of the Tier III Solar Energy System signed by a professional engineer licensed to practice in New York showing:

1. The proposed site and layout of the system;
2. Any potential shading from nearby structures or trees;

3. The distance between the proposed Tier III Solar Energy System, and all property lines, and existing on site buildings and structures;
 4. The tallest finished height of the Tier III Solar Energy System;
 5. Actual or prospective access for control of the project site.
- b. Documentation of the major components to be used

Article VII Required Improvements

1. Performance Guarantees

A certificate of occupancy shall only be issued when all improvements shown on the site plan are installed in accordance with site plan approval, or a performance guarantee has been provided by the applicant(s) for uncompleted improvements. Such guarantees may include one or a combination of the following:

- a. A bond executed by a surety company equal to the cost of such improvements. Any such bond shall require the approval of the Town Board in consultation with the Attorney for the Town as to form, sufficiency, manner of execution and surety;
- b. A certified check in a sufficient amount up to the cost of the improvements. The certified check shall be placed in an escrow account established by the town for this purpose;
- c. A letter of credit that is of sufficient amount to cover one hundred and ten percent (110%) of the costs of the improvements. Letters of credit shall require the approval of the Town Board in consultation with the Attorney for the Town as to form, sufficiency and manner of execution and shall be duly notarized;
- d. A waiver under appropriate certain circumstances;

2. Schedule and Approval of Improvements

The Planning Board shall specify the time frame for completion of improvements in its decision on the application. When a certified check or performance bond is issued, the town and the applicant(s) shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation. Each cost as listed shall be repaid to the applicant(s) upon completion and approval after inspection by the town of the improvement. The Planning Board shall send a letter to the applicant(s) that provides sufficient evidence for the release by the town of the portion of the performance bond or certified check as designated in the contract to cover the cost of the completed improvement.

Article VIII
Administration and Enforcement

1. Site Plan Compliance and Inspection

No permit or certificate of occupancy shall be issued by the Code Enforcement Officer, except upon authorization by and in conformity with an approved site plan where required. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements for compliance.

2. Appeals

Any person aggrieved by any decision of the Planning Board or by the action of an officer of the Town with respect to the provisions of this law may apply to the Supreme Court for a review of the decision by a proceeding brought under Article seventy-eight (78) of the Civil Practice Laws and Rules. Such proceeding must be brought within thirty (30) days of the date of the filing of a final decision in the office of the Town Clerk, or it is statutorily barred (See Town Law Section 282).

3. Severability

The provisions of this local law are severable. If any article, section, paragraph, or provision of this local law shall be ruled invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) as judged invalid and the remainder of this local law shall remain valid and effective.

4. Amendments

All proposed amendments shall be referred to the Planning Board for a report and recommendation to the Town Board. The Planning Board shall submit its report to the Town Board within thirty (30) days after receiving such referral. Nothing herein shall prevent the Planning Board on its own initiative to recommended amendments to this local law to the Town Board. The Town Board will make all amendments to this local law only after review and consideration of the Planning Board's report and recommendations, but will have the authority to make amendments to this local law in the Town Board's sole discretion and such amendments to this local law shall be made pursuant to the authority and provision of Section 10 of the Municipal Home Law and Section 274(a) of the Town Law.

5. Enforcement

Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$350.00 or by imprisonment not exceeding 180 days, or by both such fine and/or imprisonment in accordance with Section 268 of Town Law. Each day an offense is continued shall be deemed a separate violation of this local law.

There shall be a person, by resolution of the Town Board, designated as the Code Enforcement Officer for the Town, who shall have the authority to enforce the provisions of this local law and to issue appearance tickets for such violations.

6. Fees

Site Plan Application Fees Based on Acreage Being Used for the Project:

- \$100 for project on 1 acre or less
- \$300 for project on more than 1 acre up to and including 5 acres
- \$500 for project on more than 5 acres up to and including 15 acres
- \$1000 for project on over 15 acres.

7. Consultants: Additional Costs

The Board shall have the power to engage the services of professional engineers, architects, landscape architects, surveyors, attorneys, and other consultants to the extent reasonably necessary to assist in accurately and properly reviewing site plan applications.

The Board shall have the power to establish additional costs and charges for applications in the following manner:

- a. Upon submission of a proper sketch plan, the Board shall have the authority to obtain estimates of the costs of any professional or technical reviews or studies, of any type application through all preliminary stages. Said estimates shall be made available to the applicant at no cost.
- b. When the Board has received a statement in writing from the applicant that he has reviewed the estimate of costs for the preliminary stage and authorizes the Board to proceed with preliminary review, the Board shall have the authority to collect from the applicant a deposit sufficient to cover the estimated costs. Said deposit shall be held in an non-interest bearing account for the benefit of the applicant until used to pay for such costs. Any part of said deposit not used to pay for such costs shall be returned to the applicant at the conclusion of the preliminary stage.
- c. Upon completion of the preliminary stage, the Board shall have the authority to obtain estimates of costs of any professional or technical reviews or studies, of any type whatsoever, which shall be reasonably necessary to review the application through to final approval. Said estimate shall be made available to the applicant at no cost.
- d. When the Board has received a statement in writing from the applicant that he has reviewed the estimate of costs for final approval and authorizes the Board to proceed to final approval, the Board shall have the authority to collect from the applicant a deposit sufficient to cover the estimated costs. Said deposit shall be held in an non-interest bearing account for the benefit of the applicant until used to pay for such costs. Any part of said deposit not used to pay for such costs shall be returned to the applicant at the conclusion of the final approval stage.

In no event shall the additional costs and charges for applications as referred to in subsection (b) above exceed the amount of those fees, based upon percentages of total project value, chargeable under section 617.3 of the State Environmental Quality Review Act.

8. Relationship of this Law to Other Laws and Regulations.

This local law, in no way affects, the provisions or requirements of any other federal, state or local law or regulations. Where this local law is in conflict with any other such law or

regulation, the more restrictive shall apply, unless this local law is preempted by a law of superior jurisdiction, in which case, the law of superior jurisdiction shall apply, but only to the extent of the preemption. The local law shall govern areas within the subject matter, which are not preempted.

9. Time Extensions.

a. No site plan approval shall be valid for a period longer than one year from the date of issuance if construction of the site plan has not begun. If construction of the site plan has actually begun within the first year and is thereafter diligently pursued to completion within the second year, the site plan approval will remain in force. In the event that construction has not been completed two years from the date of the site plan approval, the site plan approval shall expire, unless extended by the Planning Board. (Added)

b. One or more extensions of said time, each not to exceed one year, may be granted by the Planning Board to extend the effective life of a site plan approval, if the facts which supported the granting of the approval have not materially changed. (Added)

c. Extension Fee. The extension fee, for each extension, will be one half (1/2) of the original site plan fee.

10. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

