

**Town of Hampton Site Plan Review Law
Local Law No. 1 of 2019**

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

**Article I
Planning Board**

1. Creation of the Planning Board

The Planning Board of the Town of Hampton, Washington County, New York (hereinafter the "Planning Board") is hereby established by the Town Board of the Town of Hampton, Washington County, New York (hereinafter the "Town Board") pursuant to Section 271 of Town Law and in accordance with the criteria and procedures set forth in this local law.

1.1 Appointment and Removal of Planning Board Members

The Town Board shall by resolution appoint the members of the Planning Board and designate the chairperson thereof. The Town Board authorizes the Planning Board to develop Planning Board Bylaws. The bylaws and all amendments to said bylaws must be approved by resolution of the Town Board.

The Town Board shall have the power to remove, after a public hearing, any member of the Planning Board for cause. Cause shall be defined as non-compliance with the minimum requirements of membership as set forth in the Planning Board Bylaws.

1.2 Terms

The Planning Board shall consist of 5 members and one alternate. The terms of regular members shall be fixed so that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be fixed so that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed to a term equal in years to the number of regular members of the board. The term of the alternate shall be fixed at one year and shall expire at the end of each calendar year.

1.3 Appropriations

Pursuant to Sections 271 of the Town Law, the Town Board is hereby authorized to make such appropriations as it may see fit for the Planning Board's expenses. Such expenses shall include, but are not limited to clerical expenses and consultant fees.

2. Authorization for Planning Board to Review Site Plans

The Planning Board is authorized by this local law to review and approve, approve with conditions, or disapprove site plans for land uses within the town pursuant to Section 274-a of the Town Law in accordance with the criteria and procedures set forth in this law.

3. Authorization for the Planning Board to Review Proposed Land Use Activities Under Other Laws and Ordinances

The Town Board authorizes the Planning Board by this local law pursuant to Section 274-a of the Town Law to review and approve, approve with conditions, or disapprove proposed land use activities within the town in accordance with the criteria and procedures set forth in all other land use control laws and ordinances passed by the Town Board and to integrate the reviews, as well as the procedural and application requirements of such land use.

Article II
Site Plan Review
Introduction

1. Enactment

The Town Board of the Town of Hampton, Washington County, New York does hereby ordain and enact the Town of Hampton Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of the Town Law.

2. Title

This local law shall be known as the "Town of Hampton Site Plan Review Law." The Town of Hampton hereinafter referred to as the "town."

3. Intent and Purpose

The overall purpose of the site plan review is to plan for the design of commercial, multifamily and industrial development when it occurs on a single parcel of land and to assess the suitability of the proposed development to the natural conditions of the site and compatibility with surrounding uses. Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the inhabitants of the town. This includes promoting agriculture, conserving and protecting agricultural resources, as well as maintaining a clean and attractive environment. Such an environment is deemed essential to the optimum development of the town's economy.

It is also the intent of this law to ensure the conservation, protection, preservation, development and use of the natural and manmade resources of the town through the review and approval of site plans. Toward that end, this law provides a means for the town to:

- a. conserve its agricultural resources and promote the town's agricultural economy;
- b. preserve water and air quality;
- c. minimize traffic congestion and intrusive development impacts on nearby properties;
- d. ensure access for emergency vehicles (police, fire protection and ambulance service);
- e. provide adequate water supply and sanitary means for sewage and solid waste disposal;
- f. support positive economic development from the proposed use without any undue or adverse impact effect on the town, its inhabitants and the economic resources of the town;
- g. ensure the protection of open space, natural resources and preserve rural characteristics of the town; and
- h. ensure overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, historic, architectural, ecological and natural resources of the town.

Article III Definitions

Any term used in this law shall carry its ordinary meaning unless defined below:

Access: Any path or opening for vehicles to leave or enter a property or lot; from a public or private thoroughfares or passage for vehicular traffic.

Accessory Structure or Use: A secondary structure or use on the same lot or on a contiguous lot in the same ownership which is associated with the principle use or structure, and which is incidental and subordinate to the principle use or structure.

Adjoining Property: A property which adjoins or is within 200 feet, including land, across public or private any thoroughfare or waterway. The term adjoining property shall have the same meaning as adjacent and abutting property.

Agriculture: The production of crops, livestock and livestock products, aquacultural and woodland products as defined in Section Three Hundred One of the Agricultural and Markets Law.

Agricultural Uses: The management of any land for agriculture and/or the raising of livestock, including the sale of products and grown or raised on site or produced directly from products used and/ or raised on site.

Agricultural Service Use: Any processing plant, feed storage supply facility, farm machinery or equipment sales and services facility, storage and processing facility for agricultural products or similar uses directly and commonly related to the supply and service of agricultural use.

Agricultural Structures: Permanent or temporary structures related to the sale of products grown or raised on the site, the storage of and processing of said products and other uses directly and commonly related to agricultural uses.

Alteration, structural: To change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; or the exit facilities of a structure; or the relocation of a building from one location to another.

Applicant: The person (s), corporation, agency or other legal entity responsible for submitting site plan applications for review by the Planning Board.

Appurtenant: Constituting a legal accompaniment, auxiliary, a property legally attached to the principal property; the rights to which passes in possession with the principal property.

Bed and Breakfast: An owner occupied place offering lodging to the general public for compensation with fewer than ten (10) guestrooms. This definition can also be applied to a Tourist Home.

Buffer or buffering: Vegetation, fencing or earthen materials used to block visibility toward and/or away from a site, property or use, or to separate properties or uses that have the potential for negative impacts. Buffering may be used to mitigate noise impacts from a particular site or from adjacent land uses.

Buffer Area: An undeveloped part of a property or an entire property specifically reserved to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

Building: A structure designed to be used as a place of occupancy, business, storage or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television and other utility communication towers, mobile homes and modular homes.

Building, principal: The building on a lot that houses the primary use on a parcel of land.

Certificate of Occupancy: A certificate issued by the Code Enforcement Officer for the town after final inspection, when it is found that the structure and /or development complies with all requirements and provisions of the New York State Uniform Fire Prevention and Building Code.

Change in Use (conversion): The change of use or occupancy of a building from one use to one of the other uses identified in Article IV, Section 1, or a change in the intensity of the same use.

Code Enforcement Officer: The person appointed by the municipality to administer and implement this local law by granting or denying building permits and certificates of occupancy in accordance with its provisions, as well as the provisions of the New York State Uniform Fire Prevention and Building Code.

Commercial Complex: A group of stores, shops, offices, business services and similar establishments occupying one parcel of land having adequate space in the rear for loading and unloading commodities. The term commercial complex shall also apply to malls, strip-malls, mini-malls, shopping centers and other similar terms.

Commercial Use: Any land use that involves, as a primary activity, without limitation, the selling of bulk and individual goods, merchandise, products, food, prepared meals, and services of any nature, but excluding any land use that can otherwise be deemed an industrial use.

Convenience Store: Any retail establishment offering for sale; prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, such as salads, for on or off-site consumption. Also any retail establishment that offers gas or other petroleum products for sale.

Day Care Center: A facility duly permitted by the New York State Department of Social Services for the care of either six (6) or more children, or six (6) or more adults, for less than 24 hours a day on a regular basis.

Determination Date: The date on which the Planning Board determines that a filed site plan application constitutes a complete site plan application.

Dwelling Unit: A complete self-contained residential unit for permanent habitation by one family or household only, and containing one or more rooms and facilities for living including cooking, sleeping and sanitary needs.

Dwelling, multiple-family: A building, portion of a building or group of buildings, on one lot containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

Dwelling, two-family: A single building containing two dwellings as defined hereinabove which are separated by an unpierced wall that extends from the ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, excluding any common exterior stairwells.

Effective Date: The date on which this law is filed with the New York State Secretary of State and the date upon which its provisions are first effective.

Easement: A recorded interest in land owned by another that entitles the holder to specific uses or to gain access to another property.

Egress: A one-way path or opening leading from a property to a public highway or private road.

Engineer/architect/surveyor/landscape architect: A professional licensed to practice one's profession by the State of New York.

Environmental Assessment Form (EAF): A form used to determine whether a project would have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, either a short or long SEQRA Environmental Assessment Form will be completed.

Environmental Impact Statement (EIS): A document prepared pursuant to SEQRA, subsequent to a determination of potential adverse impacts that examines the existing and developed impacts, mitigation measures and alternatives.

Environmentally Sensitive Area (ESA): Any area so designated by the state or federal government, or by local law. Included are designated wetlands and floodplain areas.

Existing Use or Structure: Any use or structure lawfully in existence according to the criteria stated in Article IV, Section 2 of this law on the date of the enactment of this local law.

Family: One or more persons living together as a single housekeeping unit and maintaining a common household.

Fast Food Restaurant: A restaurant where patrons are not customarily served at tables or sit-down counters; where all or a portion of the food is prepared and wrapped, boxed, bagged or prepackaged or is prepared in a manner in anticipation of customers; and where the customer places an order at a common counter by waiting in line or by being served through a sequential numbering system. Such uses as soft drink parlors, ice cream and/or hot dog stands and the like shall also be considered in this general classification.

Fence: A structure of wood, masonry, metal, wire mesh or other non-vegetative material, which prohibits or inhibits unrestricted travel and/or view between properties or portions of properties or between the street or public right-of-way and a property.

Fire Lane: An access for emergency fire-fighting vehicles, that is in compliance with the New York State Uniform Fire Prevention and Building Code.

Flood Hazard, Area of:

Land within a community subject to a one-percent (1%) or greater chance of flooding in any given year; commonly referred to as base floodplain or 100 year floodplain.

Floodplain, 100-Year: Area where there is a one-percent (1%) or greater chance of flooding in any given year.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

Footprint: The outline of a building at all points where it meets the ground.

Forestry Use: The for-profit operation of timber tracts or tree farms, including the gathering and harvesting of forest products. See; however, "Sawmilling" operations, which are, for the purpose of this Law, an industrial use rather than a forestry use.

Frontage: That part of a property bounded by either a public or private road. On lots where the property abuts more than one road, the principal frontage shall be the side of the lot abutting the road considered the main access to the property

Grading: The leveling of land for site development purposes, including construction of roads, building construction, drainage areas and parking.

Gross Floor Area (GFA): The total area in square feet of all floors of a building measured from the exterior walls.

Gross Leasable Area (GLA): The total floor area designed for the tenant's occupancy and exclusive use.

Hazardous Waste: Any waste material defined as a "hazardous waste" in 6NYCRR, Part 37, Sec. 371.1(d) - "Identification and Listing of Hazardous Waste."

Heavy Industrial Use: Any use of land that involves: the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or storage or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; or the manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution.

Highway: Public roads that serve long distance through traffic. Highways can have access to abutting land or can have controlled or limited access.

Home Occupations: Any occupation, not including lodging, carried on within the principal or accessory structures by a member of the family with no more than two employees who are not part of the family as defined hereinabove. Nuisances, such as noise or odors, shall not be produced. No traffic or parking requirements shall be generated by a home occupation in greater volumes than would normally be expected in the surrounding area or that would require off-street parking facilities.

Impervious Surface Coverage: The percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with a paved surface that prevents water absorption.

Light Industrial Use: Any use of land or building that involves the making or storage of materials or products that does not create noxious or offensive dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare off-site.

Ingress: A one-way path or opening from a public highway or private road leading into a property.

Institutional Building: A building that is used for public or semi-public uses such as schools, hospitals and libraries or for the administration of government services.

Loading Area: An off-street space or berth, no smaller than a parking space, used for loading or unloading of vehicles.

Lot/Parcel/Tract: A contiguous area of land that has boundaries that have been established by some legal means, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

Lot Coverage: The percentage of the lot area covered, by the combined area of all buildings, structures, parking areas or other impervious surfaces on the lot.

Mall: See Shopping Center

Motel/Hotel: A specifically designed facility offering lodging to the general public for compensation or any owner-occupied place of lodging that has ten (10) or more guestrooms.

Mylar: Plastic material on which a plat is photographically reproduced.

Net Metering: A billing arrangement that allows solar energy users to get credit for excess electricity delivered back to the electric grid so that they pay only for the net electricity usage.

Noise, glare, vibration, odor, dust, smoke, fumes, emissions, liquid and solid wastes: Nuisances, defined as undesirable, created by a land use that adversely impacts adjacent properties.

Nursing Homes: Any place or institution for the aged, infirm, senile, chronic or convalescent, established to render, for compensation, domiciliary care, custody, treatment and/or lodging of two (2) or more persons who require or receive special diet; assistance in feeding, dressing, walking, administering medicines or carrying out the treatment of a doctor licensed by the State of New York in any other ordinary daily activities of life; or are confined to a bed or chair. This item does not include institutions for the treatment of the mentally ill, hospitals, sanitariums, boarding houses and similar facilities.

Off-Street Parking: An area provided for parking not on any public or private road.

Open Uses: Storage or stockpiling of materials out-of-doors.

Parking: Leaving a vehicle in a place for a period of time.

Parking Space: An area reserved for the parking of a vehicle.

Pedestrian Access: Provisions for the safe and efficient movement of pedestrians both within the site, as well as between the site and adjacent site(s). Ideally, site design should incorporate operating space for pedestrians, that is physically separated and distinct from motor vehicle facilities. Connections to existing adjacent off-site pedestrian facilities should be pursued.

Place of Assembly: A building, lot and related facilities owned and operated by a corporation, association or group for social, educational or recreational purposes of members, regularly paying dues, but not primarily for profit nor to render services which are customarily carried on as a business.

Place of Worship: A building, lot or facility that is used regularly to hold religious services or meetings and related activities.

Planning Board: The Planning Board of the Town of Hampton, New York, appointed by the Town Board of Councilmen of the Town of Hampton, New York, under Section 271 of Town Law.

Preliminary Stage: The stage when a drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed project is submitted to the Planning Board for approval to

submission of the plat in the final form and of sufficient detail to apprise the Planning Board if the layout of the proposed project.

Principal Use: The main use of a lot or structure; the specified purpose for which a lot or a structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Property: A contiguous area of land, consisting of two (2) or more parcels, that is under the same ownership. Use of the term "property", as a general term, shall be deemed to mean a single parcel.

Property Line: The legal boundaries of a parcel of property; whether drawn on a plat or recorded map or expressed as metes and bounds in a deed.

Public Hearing Date: The date on which a public hearing is held pursuant to this law on a complete site plan application.

Public Road: A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, that affords the principal means of access to abutting parcels of property.

Restaurant or Bar: Any establishment; however designed, at which food is sold for consumption on the premises to patrons and equipped with seating facilities and where the taking of food and drink from said building is incidental. The term restaurant shall include bars and taverns licensed to sell alcoholic beverages for on-premises consumption. However, a snack bar or refreshment stand at a public, semi-public or community swimming area, playground, playfield or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

Retail Store: Any building, structure, or lot; that is used for the sale of merchandise to the general public.

Right-of-Way: A strip of land used or intended for public uses, such as transportation, walkways, bicycle paths, alleys and public facilities.

Road: A public thoroughfare or private right-of-way, highway, street, avenue, roadway, boulevard, parkway, way, drive, lane, circle or private easement providing the primary means of access to a property abutting its length.

Run-Off: Surface water that flows onto, within and/or off of a site area.

Sawmilling: An industrial land use involving the operation of saw and other ancillary equipment for the purpose of converting cut timber into rough or finished lumber or wood products, and including all associated storage lots, areas and structures, truck delivery and transport facilities, and structures and equipment used for the handling, storage and disposal of waste wood, brush, bark, leaves and sawdust.

Screening: See buffer.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation (siltation): The deposition of sediment and silt in drainage ways, watercourses and waterbodies, which may result in pollution, murkiness, accumulation and blockage.

Separation Distance: Distance between the two closest points of reference between two facilities, structures, uses or properties (e.g. the distance between an on-site septic system absorption field and a well).

Septic System: A private waste removal system that is not connected to a community sewer. A conventional septic system consists of three main parts: a septic tank, a drain field, and the soil beneath the drain field. Waste is filtered to the soil, where components in the soil neutralize bacteria and chemicals before they reach groundwater or nearby rivers and lakes.

SEQR (State Environmental Quality Review): Review of an application according to the provisions of the State Environmental Quality Review Act (SEQRA) , 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-01130), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

Service Building/Professional or Office building: Any building or part thereof for the transaction of business or provision of a service, not including mercantile or manufacturing purposes or where merchandise is on display and offered for sale to the general public, except as an incidental use.

Setback: A minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

Shopping Center: See Commercial Complex

Shoreline Lot: Any deeded lot filed with the Washington County Clerk that adjoins any lake, pond, river or stream at mean high water mark as identified by the United States Geological Survey (USGS) on the most recent quadrangle map.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

Sign: A name, identification, description, display or illustration, or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, place, product, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices or any official traffic control devices nor shall it include the flag emblem or insignia of a nation, state, county, municipality, school or religious group.

Siltation Control: Placement of siltation barriers such as sod, matting hay bale barriers or silt fencing or other methods to prevent pollution and blockage of watercourses and waterbodies by silt and other sediment.