

**ARTICLE X
SITE PLAN REVIEW**

A. Intent and Purpose

It is the intent of this Article to promote and encourage the optimum overall conservation, protection, preservation, development and use of the natural and man-made resources of the Town of Northumberland.

B. Authorization

In accordance with Town Law, Section 274-a, the Town of Northumberland Planning Board is hereby authorized to review and approve, approve with qualifications or modifications or disapprove plans for new land use activities within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Ordinance.

C. Applicability

All land use activities which meet one or more of the criteria below shall, prior to the issuance of a Building Permit, receive site plan approval from the Planning Board pursuant to the procedures and standards of this Article of this Ordinance.

1. All special permit uses listed in Article IX. of this Ordinance and all those special permit uses identified elsewhere in this Ordinance.
2. All approved use variances granted by the Zoning Board of Appeals. In lieu of this requirement, approved use variances for the siting of commercial communications/radio towers must meet the requirements of Article IX,H.,17.
3. All land use activities proposed within the boundaries of the Shoreline Overlay District, described in Article VIII of this Ordinance, and shown on the Town of Northumberland Zoning Map.
4. All Planned Unit Developments, after approval of the PUD District, by the Town Board according to the procedure in Article V.
5. All mobile home park expansions.

D. Procedures

Approval of a site plan requires that the proposed use be reviewed by the Planning Board, and after public hearing, approved by the Planning Board.

1. Sketch Plan Review: Prior to submission of an application for site plan review, the applicant is encouraged to meet in person with the Planning Board to discuss the proposed project. Such discussion shall consider the primary aspects of the project and application requirements in order to assist the applicant in preparing a formal site plan. Prior to meeting with the Planning Board, the applicant shall meet with the Zoning Administrator. The Zoning Administrator shall decide if the plan is in conformance with the zoning requirements of the district(s) in which said property is located and collect the applicable fee from the applicant. The Zoning Administrator shall then forward all materials to the Planning Board. The sketch plan should have sufficient data regarding the proposed development to clearly illustrate the intention of the applicant. This should include a map showing the important existing natural and man-made features on and adjacent to the site and a sketch plan showing the major features of the proposed development. If necessary, the site may also be visited by the Planning Board. The Planning Board may, if appropriate, in the case of small developments with little impact on adjoining lands, accept the informal sketch plan as the formal site plan providing all other requirements are met. The Planning Board may, at its discretion, waive any of the requirements of Section D.2.b., below, if found by the Planning Board to be irrelevant to the review of the proposed project.

2. Application: An applicant for site plan approval who has not undergone sketch plan review shall initiate a request by presenting preliminary concept plans to the Zoning Administrator. Upon the Zoning Administrator's decision that the plans are in conformance with the zoning requirements of the district(s) in which said property is located, the Zoning Administrator shall forward all materials to the Planning Board.
 - a. Application Requirements. All applications shall show proof of ownership and be accompanied by a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed development and other drawings or information deemed necessary by the Planning Board to obtain an understanding of the proposed use and its relationship to surrounding properties, as required by this Ordinance.

 - b. The application shall be submitted in triplicate on forms prescribed by the Planning Board and be accompanied by ten (10) copies of a site plan and the appropriate application fee as determined by the Town Board. The site plan shall include information from the following checklist, as determined necessary by the Planning Board at the sketch plan meeting. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.

(1) Site Plan Checklist

- a Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b North arrow, scale of one (1) inch equals fifty (50) feet, and date;
- c Boundaries of the property plotted to scale;
- d Permanent and intermittent watercourses, wetlands and floodplains;
- e Grading and drainage plan, showing existing and proposed contours at no more than five (5) foot intervals;
- f Location, proposed uses and height of all buildings;
- g Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- h Provision for pedestrian access;
- i Location of outdoor storage, if any;
- j Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- k Description of the method of sewage disposal and location of design and construction materials of such facilities;
- l Description of the method of securing water and location, design and construction materials of such facilities;
- m Location of fire and other emergency zones, including the location of fire hydrants;
- n Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- o Location, size, design and construction materials of all

proposed signage;

- p Location and proposed development of all buffer areas, including indication of existing vegetative cover;
 - q Location and design of outdoor lighting facilities;
 - r Designation of the amount of building area proposed for retail sales or similar commercial activity;
 - s General landscaping plan and planting schedule; and
 - t Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any State or County permits required for the project's execution.
- (2) An application for site plan review shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.

The Planning Board has the right to waive any of the aforementioned application requirements.

3. Consultant Review: The Planning Board may consult with the Zoning Administrator, Fire Commissioners, County Environmental Management Council, Town Highway Superintendent, Town Engineer, other local and County officials, private consultants, the New York State Health Department, Department of Environmental Conservation and Department of Transportation in its review of the application and site plan.
4. Referral to County Planning Board: At least ten (10) days before the required public hearing on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239-m of the General Municipal Law if it meets one or more of the following provisions:

Within five hundred (500) feet of the following:

- a. Municipal boundary;
- b. Boundary of any existing or proposed County or State Park or other recreation area;
- c. Right-of-way of any existing or proposed County or State road or highway;

- d. Existing or proposed right-of-way of any stream or drainage channel owned by the County, or for which the County has established channel lines; or
 - e. Existing or proposed boundary of any County- or State-owned land on which a public building or institution is situated.
 - f. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.
5. Compliance with State Environmental Quality Review Act (SEQRA): Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR, and follow all applicable procedures.
6. Public Notice and Hearing: Within sixty-two (62) days of the Planning Board's meeting at which a complete site plan and application is received, the Planning Board shall hold a public hearing. Notice of said hearing shall appear at least five (5) days prior to the public hearing in a newspaper of general circulation in the Town. A copy of said public notice shall be mailed to all contiguous property owners by the Planning Board at least ten (10) days before the opening of the public hearing. Any hearing may be recessed by the Planning Board in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.
7. Planning Board Action on Application: Within sixty-two (62) days after the public hearing on the request for site plan approval is closed, the Planning Board shall act on it. The Planning Board shall approve, disapprove, or approve with modifications and/or conditions, the application. The Planning Board's action shall be in the form of a resolution. If the application is disapproved, the reasons shall be stated. The decision shall be filed in the office of the town clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant. If the application is disapproved, the reasons for disapproval shall be stated.
- a. The Planning Board shall have discretion in determining the number of copies of the site plan required. A reproducible mylar site plan may also be required of the applicant.

- b. Upon approval of the application, the Planning Board shall endorse its approval on all copies of the site plan and shall forward one copy to the Zoning Administrator, the Town Engineer, the Town Highway Superintendent, and provide one (1) copy to the applicant. The remaining copies will be retained by the Planning Board.
 - c. Upon disapproval of the application, the Planning Board shall so inform the Zoning Administrator. The Zoning Administrator shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
 - d. Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on all copies of the modified site plan and shall forward one (1) copy to the Zoning Administrator. One (1) copy to the Town Engineer, one (1) copy to the Town Highway Superintendent, and provide one (1) copy to the applicant.
8. Appeal of Board Decision: Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the New York State Civil Practice Law.
9. Reimbursement of Costs: In addition to fees and costs chargeable pursuant to Section 617.17 of the State Environmental Quality Review Act, costs incurred by the Planning Board for consultation and other professional fees in connection with the review of a proposed development plan shall be charged to the applicant, pursuant to such schedule as shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1,000.00 to pay for additional engineering review of the application.

E. Standards

The following standards and considerations shall be utilized by the Planning Board for the review of a site plan and no application shall be approved, or approved with conditions or modifications, which does not reasonably comply with these standards.

In addition, any applicable standards or requirements found in Articles V., VIII., IX., and XI. shall also apply and be utilized by the Planning Board in its review of a proposed site plan.

1. Aesthetics:

- a. Site development shall be planned so that it harmonizes with the existing landscape character and blends into the landscape by using existing landforms and vegetation.
- b. Where new construction or substantial rehabilitation is concerned, the needs of the site for plantings, paving, screening and other landscaping amenities shall be considered.

2. Off-Site Impacts:

- a. Development shall be planned and undertaken so as to minimize impacts upon adjoining and nearby land uses.
- b. Any noise, odor, vibration, dust, gas or emission of any type that is likely to result from the nature of the operation shall not be hazardous or create a nuisance.

3. Existing Topography and Vegetation:

- a. Existing vegetation, topography and careful siting methods shall be utilized to minimize the visual impact of the proposed development.
- b. Cuts for roads and other site development shall be stabilized and vegetated with indigenous species to avoid erosion and sedimentation.

4. Historical/Geological Forms: Historical, natural or geologic features shall be preserved to the extent possible.

5. Construction Activities:

- a. All earth moving activities shall be planned in such a manner as to minimize the amount of land area disturbed.
- b. Natural features such as topography, waterways and other similar resources should be preserved, and development shall conform substantially to natural boundaries and alignment of watercourses.
- c. Permanent vegetation shall be successfully established and permanent erosion control structures shall be installed in accordance with the

construction schedule approved by the Planning Board. Wherever feasible, indigenous vegetation shall be retained and protected.

- d. Where it is not possible to permanently stabilize a disturbed area immediately after the final earth moving has been completed or where the activity ceases for more than fifteen (15) days, interim stabilization measures shall be implemented promptly, including mulching and planting of vegetation.
- e. Run-off from any slope exposed for longer than fifteen (15) days shall be controlled through utilization of mulching, check dam, temporary sediment basins, and other generally approved engineering methods.
- f. Topsoil from all areas to be excavated shall be removed and stored. Upon completion of the earth movement, the topsoil shall be re-spread to provide a suitable base for seeding and planting except on the immediate building site and the road leading to it.
- g. All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and toxic waste. Fill material shall be compacted sufficiently to prevent problems of erosion.

6. Drainage:

- a. Satisfactory provision shall be made for surface water drainage; existing drainage and runoff patterns shall not be disturbed any more than necessary.
- b. Satisfactory provision shall be made for control of soil erosion and for re-vegetation of disturbed soil areas. (*See Soil Disturbance Local Law #2 of 1991*).
- c. Stormwater shall be managed and controlled on the site utilizing retention structures, infiltration, or other generally accepted engineering practices so as to prevent water volume and velocities exceeding the volume and the velocities encountered prior to site development from being conveyed through or from the project site during a twenty (20) year storm. New York State Phase 2 stormwater permits are required for any construction site disturbance of one(1) acre or more.
- d. The applicant shall provide measures to insure long-term maintenance of retention and detention basins, including periodic clearing of filters, removal of debris and sediment and weed cutting to the satisfaction of the Planning Board. Wherever possible, restrictive deed covenants shall be used to assure that maintenance responsibilities are legally binding.

- e. The quality, infiltration rate and levels of groundwater shall be preserved as much as possible.

7. Roads and Parking:

- a. Vehicular circulation and service access shall be planned to protect pedestrians and to avoid pedestrian/vehicular conflicts.
- b. The visual impact of parking areas shall be minimized.
- c. Parking areas and driveways shall be designed and constructed to provide convenient access to and from public highways.
- d. Activities which involve a new road or driveway entering onto a public highway shall comply with the following standards:
 - (1) The point of intersection with the public highway shall be a point at which sight distances are good and sufficient in both directions.
 - (2) The angle of intersection with the public highway shall be as close to ninety (90) degrees as possible.
 - (3) In the case of new connections to Town highways, the existing public road drainage shall be protected so that surface drainage flow is not impeded. The applicant's engineer, in consultation with the Town Highway Superintendent, shall prescribe the size and type of culvert, if any, to be utilized at the point of intersection. The Planning Board shall prescribe whether the applicant or the Town itself (at the applicant's expense) will supply and/or install the culvert, after recommendation of the Town Highway Superintendent.
 - (4) Any access permits necessary from the County of Saratoga, Town of Northumberland, or State of New York as a result of access causing entry to a State, Town or County highway shall be obtained by the applicant, in addition to compliance with the terms of this Section. Town access permits are required to be obtained from the Town Highway Superintendent for driveways entering Town roads.
 - (5) All roads that will be transferred to the Town shall be designed and built to the requirements specified in the Town of Northumberland Subdivision Regulations.
- e. All proposed traffic access and roads shall be adequate in width, grade,

alignment and visibility, necessary traffic signalization, stop signs, other safety controls, devices and facilities shall be given proper consideration and be duly provided wherever appropriate or warranted.

- f. Access shall be restricted to discrete points of entry and exit and shall not be along the entire road frontage of the project.
 - g. Snow removal, if applicable, shall be provided on the site, where practical, so as to avoid obstructing drivers' vision, protect landscaping elements and avoid problems for adjoining properties.
 - h. All roads shall be planned and installed to logically relate to the existing soils, topography and vegetation. For these purposes, areas with steep slopes, shallow soils, soils with the water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall generally be avoided.
 - i. Clearing and grading of roads in wooded areas shall be limited to that which is necessary to provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
 - j. All cleared banks, exposed borrow areas and cut and fill slopes, including ditch banks, shall be re-vegetated in a manner suited to site conditions.
 - k. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of peak flow by means of re-vegetation, sodding, mulching, netting, stone paving, rip-rap and other materials or combinations of these, depending on hydraulics and soils properties.
 - l. Road and private drive grade shall not exceed a twelve (12) percent average grade over any 150 foot length, and shall not exceed fifteen (15) percent over any length.
 - m. Where feasible, access should be combined with existing access to public roads and consideration should be given to the number and width of access points.
8. Sewage: No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet of any shoreline, stream, or wetland and no septic or other holding tank shall be located within one hundred (100) feet of any shoreline, stream, or wetland, as measured from the normal annual high water mark of the water body. See the Town of Northumberland Watercourse Protection Local Law #1 of 1991 (Article XI.,U.).

- a. Every on-lot sewage disposal system shall comply with the standards as to type, capacity, location, layout and minimum lot size of the New York State Department of Health (DOH) as set forth in the booklet entitled Waste Treatment Handbook: Individual Household Systems and, where applicable, the regulations of the NYS Department of Environmental Conservation (DEC), from time to time in effect (whether or not the construction of such a system is subject to the prior approval of such departments) and shall also comply with the provisions of this law. In case of conflict between the requirements of the DOH, DEC and this Ordinance, the most restrictive shall prevail.
9. Water Supply: Any drilled, point-driven, or dug well shall comply with the generally accepted standards of the NYS DOH.
 10. Emergency Access: It is recommended that all proposed structures should be readily accessible for emergency vehicles, including police, ambulance and fire protection. The Board of Fire Commissioners can provide information on emergency access.
 11. Impact on Municipal Services: The Planning Board shall take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration, and guide development in a manner that reflects the physical capacity of the service system or facility and the financial capacity of the responsible unit of government to respond to additional requirements generated by the use or project.
 12. Shoreline Protection:
 - a. All construction involving any shoreline shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased run-off of ground and surface water into the waterway and to remove only that vegetation which is necessary to the accomplishment of the project.
 - b. Any pump-out or other connection to provide for the accommodations of sanitary wastes should be connected to an adequate and approved sewage disposal system whether a public system or an individual on-site system.
 - c. Any paved or otherwise improved parking area, driveway, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or soil siltation into the waterway.

13. Historical Property: Uses of State or federally designated historic places, sites, buildings and structures should make, where possible and practical, an efficient contemporary use of such an historical property through repair or alteration utilizing State guidelines, while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.