

# MODEL Site Plan Review Law

## Article I Introductory Provisions

### Section 1.1 Enactment.

The Town Board of the Town of \_\_\_\_\_, Steuben County, New York, does hereby ordain and enact the Town of \_\_\_\_\_ 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.

### Section 1.2 Short Title.

This local law shall be known as the “Town of \_\_\_\_\_ Site Plan Review Law.” The Town of \_\_\_\_\_ is hereinafter referred to as the “town.”

### Section 1.3 Intent and Purpose.

Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the towns and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

It is further the intent of this local law to ensure that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town, by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

### Section 1.4 Authorization of Town Board to Review Site Plans.

The Town Board is hereby authorized to review and approve or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

## Article II Applicability and Definitions

### Section 2.1 Applicability of Review Requirements.

All new land use activities within the town shall require site plan review and approval before being undertaken, except for the following:

1. Construction of one- or two- family dwellings and ordinary accessory structures, and related land use activities.
2. Agricultural practices and structures associated with agricultural practices; structures used for the sale of agricultural products when the majority of the products to be sold are grown in the town.
3. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law.
4. Ordinary repair or maintenance or interior alterations to existing structures or uses.
5. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25%

6. Signs under 10 square feet that are not illuminated.
7. Garage, lawn, and porch sales not exceeding 7 days and occurring no more than 3 times in any calendar year.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the town board for a written jurisdictional determination.

**Section 2.2 Effect on existing uses.** This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law, that has been discontinued for a period of two years 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 the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law.

**Section 2.3 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.

**Section 2.4 Definitions**

**ACCESS ROADS** – Private roads that provide vehicular access to sites or structures from public roads. Access roads do not include lanes customarily used by farmers to access agricultural fields or driveways to private dwellings.

**ADULT USES** – Shall be defined as follows:

Adult Book Store and/or Video Store: A commercial establishment which has a substantial or significant portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental, or any form of consideration, of any one or more of the following: books, magazines, periodicals, or visual representations which are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities which are for sale, rental, or viewing on or off the premises. An establishment may have other principal business purposes that do not involve the offering for sale or rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult book and/or video store so long as one of its principal purposes is offering for sale or rental, or some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

Adult Entertainment Cabaret: A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters, or waitresses, male or female impersonators or exotic dancers, or other similar entertainment, or films, motion pictures, videos, slides or other photographic material, or which utilizes employees, as part of their employment, to regularly expose patrons to specified sexual activities or anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar establishment which for any form of consideration regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater: Any motion picture theater where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by the emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Massage Establishment Any establishment having a fixed place of business where massages, or any other treatment or manipulation of the human body, are administered for any form of consideration or gratuity, as part of or in connection with specified sexual activities or where any person providing such treatment or services related thereto exposes specified anatomical areas. This definition shall not be construed to include hospital, nursing home, or medical clinic, or office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

Specified Sexual Activities: (1) Human genitals in a state of sexual stimulation or arousal; or (2) Acts of human masturbation, sexual intercourse, oral copulation, or sodomy; or (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or breasts.

Specified Anatomical Areas: (1) Less than completely and opaquely clothing covered human genitals, pubic region, buttocks, and female breasts directly and laterally below the top of the areola; and (2) Human male genitals in a discernible turgid state even if completely and opaquely clothing covered.

**AGRICULTURAL PRACTICES** - any activity connected with the raising of crops, livestock or livestock products as defined in Agriculture and Markets Law §301, subdivision 2, including but not limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk, eggs and furs.
- f. Maple sap
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bio-energy.

**DORMITORY** – A building, or part thereof, where lodging, with or without meals, is provided for compensation, direct or indirect, for four or more non-family persons, residing for 30 days or more, when no kitchen or dining facilities are provided in individual rooms. The term dormitory shall include “man camps”, temporary facilities commonly set up by energy companies to provide food and shelter for employees near drilling locations. Such dormitories or man camps may include modular or mobile housing units designed to be removed from the site when drilling activity in the area is complete.

**DRILLING SITE** - A site, and its ancillary areas, used for oil, gas, or solution mining, including horizontal drilling for natural gas, as regulated in New York State pursuant to Article 23 of the Environmental Conservation Law and its implementing regulations, 6 N.Y.C.R. R. Part 550.

**DWELLING, ONE-FAMILY** – a complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms or facilities for living including cooking, sleeping, and sanitary needs.

**DWELLING, TWO-FAMILY** - two complete, but separate, self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common roof, wall, or ceiling, and containing separate rooms and facilities for living, including cooking, sleeping, and sanitary needs.

**FAMILY** – a person or persons related to each other by blood, marriage, or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

**INDUSTRIAL STORAGE YARD** – An outside area larger than 10,000 square feet where heavy equipment, pipes, storage tanks, building materials, fuel, storage trailers, office trailers, or any other items customarily used in construction, mining, gas exploration, or similar industries are stored or stockpiled. Industrial storage yards do not include areas used to store equipment or materials used in agricultural practices.

**LAND USE ACTIVITY** – any construction or land use activity that changes the use or appearance of land or a structure or the intensity of use of land or a structure. “Land use activity” shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

**RECREATIONAL VEHICLE** - Type of vehicle used as temporary living quarters for recreation, camping, or travel, that either has its own motive power or is mounted on or drawn by a motor vehicle; includes travel trailer, camper trailer, pop-up camper, truck camper, and motor home.

**RECREATIONAL VEHICLE (RV) PARK** - Premises designed to accommodate three or more occupied recreational vehicles.

**SIGN** - A device, consisting of or containing letters, numbers or symbols affixed to, painted or represented on, or installed on, any part of a building or other structure, or otherwise placed in view of the general public, that is used to direct public attention to or to convey information about a person, idea, institution, organization, activity, place, object, product, or business; when such a device is located within a building or is permanently affixed to an operable registered motor vehicle, it shall not be deemed to be a sign.

**SITE PLAN** – A plan, to scale, showing uses and structures proposed for a parcel of land, and supporting information as required in Section 3.3.

**SKETCH PLAN** – An informal drawing of a proposed development, made prior to preparation of a detailed site plan, the purpose of which is to identify problems or concerns and determine what information shall be required on the site plan.

**STRUCTURE** – an object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

**STRUCTURE, ACCESSORY** – any structure designed to accommodate and accessory use but detached from the principle structure, such as, a free standing garage for vehicles accessory to the principle use, a storage shed, garden house, or similar facility.

Any term used in this local law which is not defined herein shall carry its customary meaning unless the context otherwise dictates.

### **Article III Site Plan Review**

#### **Section 3.1 Procedures – Generally.**

Prior to undertaking a land use activity not excluded by Section 2.1 of this local law, a site plan approval by the town board is required. Applicants for site plan approval shall follow all the procedures of this local law hereinafter set forth.

#### **Section 3.2 Sketch Plan.**

A sketch plan conference shall be held between the town board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the town board of his proposal prior to the preparation of a detailed site plan; and for the town board to review the basic site design concept, advise the applicant as to the potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
3. A topographic or contour map of adequate scale and detail to show site topography.

#### **Section 3.3 Application Requirements.**

Following the sketch plan conference, an application for site plan approval shall be made in writing to the town board and shall be accompanied by information drawn from the following checklist, as determined necessary by the town board at the sketch plan conference.

Site plans shall be drawn to scale, using such a scale that all features required to be shown on the plan are readily discernable. Five sets of the plan and any accompanying documents shall be provided. An additional set of plans and documents shall be required for those projects requiring referral to the county planning agency under General Municipal Law Section 239l and Section 239m.

#### *Site plan checklist:*

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing; deed reference (book and page)
2. North arrow, scale and date;
3. Boundaries of the property plotted to scale;
4. Existing man-made and natural features including: buildings; vegetation such as trees, crops, brush, etc.; ponds, waterbodies, wetlands; flood plains and flood ways.

5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses; projects disturbing more than one acre of soil must have a NYS DEC stormwater management permit with plans.
6. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
7. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
8. Provision for pedestrian access;
9. Location of outdoor storage, if any;
10. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
11. Description of the method of sewage disposal and location, design and construction materials of such facilities;
12. Description of the method of securing public water and location, design and construction materials of such facilities;
13. Location of fire and other emergency zones, including the location of fire hydrants;
14. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
15. Location, size and design and type of construction of all proposed signs;
16. Location and proposed development of all buffer areas, including existing vegetative cover;
17. Location and design of outdoor lighting facilities;
18. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
19. General landscaping plan and planting schedule;
20. An estimated project construction schedule;
21. Record of application for and status of all necessary permits from other governmental bodies;
22. Identification of any permits from other governmental bodies required for the project's execution; and
23. Other elements integral to the proposed development as may be considered necessary in the particular case by the town board, such as traffic counts, noise studies, etc.

**Section 3.4 State Environmental Quality Review Act (SEQRA) Form:**

An application for site plan review shall include a Short or Full Environmental Assessment Form, whichever is deemed appropriate by the board.

**Section 3.5 Required Fee.**

An application for site plan review shall be accompanied by a fee established by resolution of the town board.

**Section 3.6 Completeness of Application:** An application is not complete, and shall not be considered, until deemed complete by resolution of the board. If an application is deemed incomplete, the board shall provide the applicant a written list of missing information required to complete the application. No refund of application fees shall be made and no additional fees shall be required upon submittal of additional information.

**Section 3.7 Reimbursable Costs.**

Cost incurred by the town board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

## **Article IV Review Standards**

### **Section 4.1 General Standards and Considerations.**

The town board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lights and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of stormwater and drainage facilities; compliance with any required state stormwater control permits.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
10. Overall impact on the neighborhood including compatibility of design consideration.

### **Section 4.2 Specific Standards and Considerations.**

The following specific standards shall apply in conjunction with the subject uses or in the designated areas.

#### **Section 4.2.1 Access Roads 300 feet or greater in length.**

1. Access roads shall not exceed 12% slope at any point.
2. Access roads shall intersect with public roads at a 90 degree angle.
3. Within 50 feet of the public road, the grade of the access road shall not exceed 5%.
4. Access roads must obtain any permits required by Steuben County or New York State and must comply with any conditions imposed in such permits.
5. Access roads must use culverts approved by the town, county or state when there is a ditch where the access road intersects with a town, county, or state road.
6. Sight distance where the access road meets the public road shall be no less than 500 feet. If it is not possible to have 500 feet in sight distance, warning signs must be posted or flagmen used when vehicles are entering or exiting the road.
7. Access roads shall not be less than 100 feet from an intersection.
8. Design of the access road shall prevent storm water entering the public roadway.
9. The surface of any access road shall be adequate to prevent mud being deposited by vehicles in the public roadway.

#### **Section 4.2.2 Adult Uses**

It is the intent of the Town of \_\_\_\_\_ to regulate Adult Uses in order to reduce or mitigate potential secondary impacts of such uses that have occurred in other communities, including, but not limited to, increased crime rates, noise, and traffic; decreased property values; and general deterioration of neighborhoods and hindrance of economic development.

1. Adult uses shall be permitted subject to the following restrictions:

Adult uses are prohibited within:

- (a) One Thousand (1,000) feet of any single-family, two-family, or multiple-family dwelling.
  - (b) One Thousand (1,000) feet of any public or private school or day care center.
  - (c) One Thousand (1,000) feet of any church or other religious facility or institution.
  - (d) One Thousand (1,000) feet of any public park, public bike path, playground, playing field, cemetery, or civic or recreational facility.
  - (e) One Thousand (1,000) feet of any other existing adult use.
2. No more than one adult use shall be located on any lot.
  3. The distances provided above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the property parcel from which the adult use is to be separated.
  4. No adult use shall be conducted in any manner that allows the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any property not operating as an adult use. This provision shall apply to any sign, show, window, or other opening.
  5. There shall be no outdoor sign, display or other advertising of any kind other than one identification sign limited to only the name of the establishment.

#### **Section 4.2.3 Dormitory**

1. Dormitories shall be located a minimum of 150 feet from the centerline of any road and shall not be closer than 20 feet to any property line.
2. One parking space per sleeping room plus one parking space for each on-duty employee.
3. Parking shall be located at the side or rear of the structure and shall not be closer than 20 feet to any property line.
4. The parking lot must be paved or gravel and in either case must be designed to prevent storm water runoff to adjoining properties or roadways through use of swales, retention ponds, etc. Storm water runoff from structures must also be controlled.
5. The dormitory must meet all NYS Building Codes and all codes for drinking water and waste disposal.
6. Trash facilities such as garbage cans or dumpsters shall be screened from public view.
7. Landscaping materials shall be of appropriate size, quantity, and character to provide an attractive setting for dormitory residents, neighbors, and those passing by.
8. Contact information for the manager and the owner of the dormitory shall be on file with the Town Code Enforcement Officer.
9. There shall be in place either a reclamation plan or a transition plan. A reclamation plan will show how the site will be returned to a natural state should the structures be removed. A transition plan will detail how the structures on the site will be put to another use or, if the structures are to be removed, how the site will be changed to another use such as single-family homes or any other use as allowed by law.

#### **Section 4.2.4 Industrial Storage Yard**

1. Nothing shall be stored within 100 feet of the centerline of an adjoining road.
2. Nothing shall be stored within 20 feet of any property line.
3. Any repairs and maintenance shall be either conducted in an enclosed structure or an impervious surface with an appropriate storm water drainage and detention plan in place so as to minimize infiltration of chemicals or petroleum product fluids in the ground.
4. Natural vegetation shall be retained as much as possible and efforts shall be made to control dust.
5. Any entrance to or exit from the site shall have 250 feet of site distance and shall be no closer than 50 feet to any intersection or any other entrance/exit.
6. Driving surfaces within the site shall be adequate to prevent spreading of mud to public roads and stormwater shall not drain onto public roads or adjoining properties.
7. Items stored on site shall be kept in a neat, orderly, and safe manner. Any scrap material no longer intended or in condition for use shall be removed from the site.
8. Contact information for the site shall be on file with public safety officials in case of spills, fires, or other incidents that may occur when no employees are on site.

#### **Section 4.2.5 Recreational Vehicle (RV) Park**

1. No recreational vehicles space shall be sited within 150 feet of the centerline of any road.
2. No recreational vehicle shall be parked within thirty (30) feet of another recreational vehicle or a property line;
3. No parking or loading, or maneuvering incidental to parking or loading, shall be permitted on a public road;
4. Roads within a recreation vehicle park shall afford safe and convenient access to all spaces and facilities, and shall provide all-weather access to sites. Road surfaces should be adequate to prevent the spread of soil to public roads and dust should be controlled.
5. Natural vegetation should be retained to the maximum extent practicable.
6. Drinking water supplies, waste disposal, and electrical supply shall meet all New York State codes. Appropriate hookups shall be provided at each site
7. Dumpsters or trash receptacles shall be screened from view of park guests and the general public.
8. The park shall be maintained in a neat and orderly manner.
9. Contact information for the park manager or owner shall be on file with the Town Code Enforcement Officer.

#### **Section 4.2.6 Signs**

The following criteria shall apply to signs that are over ten square feet per side or are illuminated.

1. Signs shall not be more than 100 square feet per side, shall have only two sides, and shall not be over 16 feet in height.
2. Signs shall be properly located to avoid obstructing site distances at intersections or anywhere along a road where traffic safety could be compromised. In no case shall a sign resemble a traffic safety device such as a stop sign, speed limit sign, caution sign, etc.
3. Signs advertising an event shall be removed within 7 days of the event's conclusion.
4. Signs shall not be internally illuminated. External illumination shall be shielded so light shines on the sign and does not cause off-premises glare. Illumination shall be steady in nature and shall not flash, pulsate, rotate, move, or be intermittent except for public service signs showing time and temperature or non-commercial public information.
5. Signs shall be legible in the circumstances in which they are seen.
6. A structure, business, or other land use activity may have only two double-sided signs that are over 10 square feet per side

### **Section 4.2.7 Drilling Sites**

Pursuant to Environmental Conservation Law Section 23-0303(2) which declares that New York State's regulatory program for oil, gas, and solution mining "supersede(s) all local laws or ordinances relating to the regulation of the oil, gas, or solution mining industries; but shall not supersede the local government jurisdiction over local roads or the rights of the local governments under the real property tax law", the following criteria for drilling sites shall be met:

1. The owner and/or operator of the Drilling Site shall enter into a Road Use Agreement with the Town to plan routes and to protect and repair road damage caused by high volumes of truck traffic to and from the Drilling Site. The owner/operator of the Drilling Site shall also pursue road use agreements with neighboring towns and Steuben County if such roads will experience high volumes of truck traffic that may cause damage.

## **Article V**

### **Public Hearing, SEQRA Compliance, and Town Board Decision**

#### **Section 5.1 Public Hearing**

The Town Board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within 62 days of the receipt of a complete application for site plan review, and may be held in conjunction with any public hearing that may be required by SERQA. Such public hearing shall be advertised in the town's official newspaper, or if there is none, in a newspaper of general circulation in the town at least ten (10) days before the public hearing.

#### **Section 5.2 SEQRA Compliance**

The Town Board shall comply with all requirements of SEQRA before a decision is made on a site plan.

#### **Section 5.3 Compliance with General Municipal Law**

The Board shall refer the project for review by the Steuben County Planning Department when required by General Municipal Law Section 239-1 and Section 239-m.

#### **Section 5.4 Town Board Decision**

Within 62 days of receipt of the complete application for site plan approval, including any environmental reviews required by SEQRA, or, if a public hearing is held, within 62 days of public hearing, and upon receipt of the recommendation of the County Planning Department, when required, the Town Board shall render a decision. In its decision the Town Board may approve, approve with modifications or disapprove the site plan. The time period in which the Town Board must render its decision can be extended by mutual consent of the applicant and Town Board.

- A. **Approval** – Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the town board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- B. **Approval with Modifications** – The town board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the town board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the town, the town board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the town clerk. A

copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

- C. **Disapproval** – Upon disapproval of the site plan, the decisions of the town board shall immediately be filed with the town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the town board’s reasons for disapproval.

**Section 5.4 Filing of the Final Approved Site Plan:**

Following approval or approval with modifications of any site plan, no building permits shall be issued until a final copy of the site plan, including any modifications made during the review process, is filed with the Town Clerk. The final approved site plan must be drawn to scale by a licensed Engineer, Architect, or Surveyor and sealed by same.

**Article VI  
Appeal of Town Board Decision**

**Section 6.1 Appeal Procedure**

Any person aggrieved by any decision of the town board or any officer, department, board or bureau of the town, may apply to the supreme court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision in the office of the town clerk.

**Article VII  
Miscellaneous Provisions**

**Section 7.1 Enforcement Officer**

The town board may appoint an enforcement officer to carry out the duties assigned by this local law or by any additional regulations adopted pursuant to Section 7.2 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the town board and other officials and agencies, as appropriate.

**Section 7.2 Further Regulations by Town Board**

The town board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

**Section 7.3 Amendments**

The town board may on its own motion, own petition, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

**Section 7.4 Integration of Procedures**

Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the town, the town board shall attempt to integrate, as appropriate, site plan review as required by this local law with the procedural and submission requirements for such other compliance.

**Section 7.5 Enforcement**

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to

a fine or not more than two hundred fifty dollars (\$250.00) or by penalty of two hundred fifty dollars (\$250.00) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

**Section 7.060 Severability**

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