

**Village of Schuylerville  
Local Law No. 5 of 2006**

**A LOCAL LAW ESTABLISHING SITE PLAN REVIEW FOR CERTAIN LAND  
USE PROJECTS IN THE VILLAGE OF SCHUYLERVILLE, SARATOGA  
COUNTY, STATE OF NEW YORK**

**Local Law No 5 of 2006 Site Plan Review**

§ Enactment

The Village Board of the Village of Schuylerville, Saratoga County, State of New York does hereby enact this local law -- Village of Schuylerville Site Plan Review.

This Local Law is adopted pursuant to the powers granted to the Village of Schuylerville and contained within Municipal Home Rule Law Section 10(1)(ii)(e)(3) and section 10 of Statute of Local Government

§ Short Title

This local law shall be known as “Village of Schuylerville Site Plan Review”

§ Statement of Purpose and Findings

Through site plan review, it is the intent of this Local Law to promote the health, safety and general welfare of the village of Schuylerville. An attractive environment is declared to be of vital importance to the health, safety and general welfare of the inhabitants of this village, and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the village, preservation of the historic nature of the village and for the general welfare of its inhabitants.

It is further the goal of this Local Law to ensure overall conservation, protection, preservation, development and use of the natural and other resources of the village by regulating land use activity within the village through review and approval of site plans.

It is also the intent of site plan to promote and encourage good design standards, adequate sign amenities and visual and physical qualities in residential, commercial and industrial development

It is not the intent of site plan review to prohibit per se any land use activity but to allow land use activities, which will meet the standards as set forth in this legislation.

Furthermore this local law is enacted pursuant to Municipal Home Rule Law and NYS Statute of Local Government and is deemed to specifically supersede Village Law 7-725 a . This Local Law shall be deemed applicable review procedure for site plan review and approval within the Village of Schuylerville.

§ Uses requiring approval.

It is the function of site plan review to illustrate the intended design, arrangement and uses of the land to be improved and to describe the effect the proposal will have on the physical, social and economic environment of the community.

Additionally site plan is intended to promote compatible land uses within the village.

The Planning Board is authorized by the Village Board to review and approve, approve with modification or disapprove site plans as prepared and presented by applicants.

A. All land use activities within the village as specified within shall require site plan review and approval by the Planning Board before the project is undertaken except for those land uses specifically exempted under C.

Prior to the issuance of any building permits, related construction approvals and certificate of occupancy the Planning Board shall conduct a site plan review of any land use as outlined within B 1-7.

B Specified Land uses requiring Site Plan Review.

(1) All land use activities for commercial, business, retail, professional offices, industrial uses manufacturing, multi family, condominium, motel, hotel, nursing home, mobile home parks, public parklands parking lots, restaurants including drive in, convenient food stores, gasoline stations within the village

(2) All land us activities including but not limited to business, retail, maritime, marina, professional offices, industrial, commercial and residential within the special flood hazard area as outlined in the flood insurance plain maps index No 36091C0000 and Panel 0477 as provided in Local Law No 2 1995 Chapter 86 of Village Code

(3) All Land use activities for residential, maritime, marina, municipal, state, parklands, walking trails within 200 feet of the following: Old Canal and Champlain Canal

(4) All federal, state, municipal and school land use activities involving new construction and or expansion of existing building in excess of 5,000 sq feet

(5) Conversion of single-family residential unit into 3 or more multi family units,

(6) Conversion of two family residential units into 3 or more multi family units

(7) Conversion of any existing structure into new land use activities described in B (1)

C. Exempted uses. The following land use activities are exempt from the requirements of Site Plan Review (not subject to site plan review):

(1) Construction of one- or two-family dwellings and ordinary accessory structures and related land use activities unless within flood plain zone and or within 200 feet of the old canal and Champlain Canal.

(2) Ordinary repair or maintenance of existing structures or uses.

(3) Agricultural land uses, and the sale of local agricultural produce and temporary structures related to sale of local agricultural produce.

(4) Incidental landscaping, grading, soil removal, timber cutting which is not intended to be used in connection with a land use reviewable under provisions of B 1-7.

(5) Individual mobile homes unless within flood plain zone or within 200 feet of the old canal and Champlain Canal.

(6) Exterior alterations or exterior additions to an existing residential structure which do not substantially change its nature or use and to any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than ten percent (10%) within any five year period and maintaining same use.

(7) Interior alterations that do not substantially change the nature or use of a commercial, professional, retail, manufacturing, industrial structure.

(8) signs under 5 sq. feet

D. Existing uses and structures. This Article does not apply to uses and structures that are lawfully in existence as of the date this chapter becomes effective. Any use that would otherwise be subject to this chapter, which has been discontinued for a period of one (1) year or more, shall be subject to site plan review pursuant to the terms of this chapter before such use is resumed. Any use or structure shall be considered to be in existence, provided that such use or structure has started construction prior to the effective date of this chapter and is fully constructed and completed within one (1) year after the effective date of these regulations.

E. Uncertain applicability. Any person uncertain of the applicability of this local law (site plan review) to a proposed land use activity shall apply in writing to the Building Inspector for a written jurisdictional determination.

§ Compliance with SEQRA by Planning Board

In issuance of site plan review and approval, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act and its implementing regulations.

§ Statement of development.

Each site plan application shall contain a statement of development intent containing the names of the owners, developers and agents on the appropriate forms provided by the Village. The application of site plan approval by the Village Planning Board shall be determined by the Building Inspector upon receipt of an application for any permit, certificate or license. Building Inspector may consult with Village Attorney, Chair of Planning .The site plan application shall include information regarding;

A. Evidence of compatibility with the village comprehensive land use as stated in the Comprehensive Land Use Plan

B. Time period for completion of construction, renovation or restoration.

§ Site Plan Review procedure.

**The review of site plans is divided into three (3) phases: pre submission, preliminary application and final application.**

**A. Pre submission conference.**

(1) The Building Inspector shall refer the applicant to the Chairman of the Planning Board, who shall schedule a pre submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre submission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the proposal's ramifications. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent, and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital. The intent of such a conference is to enable the applicant to inform the Planning of the proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, to advise the applicant as to potential issues, problems, and concerns and to generally determine the information to be required on the site plan.

(2) At the pre submission conference, the applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the applicant shall provide a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features and components of the proposal.

(3) This phase may be waived by the Planning Board

### **B. Preliminary application for site plan approval.**

(1) An original application, with five copies, for preliminary site plan approval shall be made in writing to the Planning Board. The application shall be presented no fewer than five (5) working days prior to the next regularly scheduled Planning Board meeting or sooner if the Planning Board deems it appropriate. The preliminary application will not be accepted for review unless all requirements outlined at the pre submission conference have been met. A fee as determined by the Village Board shall accompany the preliminary application.

(2) The application shall be accompanied by copies of the information drawn from the following checklist, as determined necessary by the Planning Board at the pre submission conference. The required preliminary site plan shall be prepared by a licensed professional engineer, architect, land surveyor or landscape architect.

(a) Preliminary site plan checklist.

[1] Title of the drawing, including name and address of the applicant and person responsible for preparation of such drawing. Scale of drawing to be determined by Planning Board

[2] North arrow, scale and date.

[3] Boundaries of the property plotted to scale, encroachments and boundary line trees six (6) inches caliper or greater.

[4] Existing watercourses, composition, wetlands and flood plains.

[5] Grading and drainage plan, showing existing and proposed contours.

[6] site plan showing proposed use and height of all buildings and structures including architectural features.

[7] Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.

[8] Provision for pedestrian access.

[9] Location of outdoor storage, requiring or not requiring structures, 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 of design and construction materials of such facilities.

- [12] Description of the method of securing public water and location, design and construction materials of such locations.
- [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 construction materials of all proposed signage.
- [16] Location and proposed development of all buffer areas, including indication of existing vegetative cover and screening areas
- [17] Location and design of outdoor lighting facilities.
- [18] Location and designation of the percentage amount of building area proposed for the site.
- [19] General landscaping plan and planting schedule.
- [20] Location of any nearby historic, water and visual features within village and region
- [21] Land set aside for park, playground or other recreational purposes or in lieu of land funding for park, parks(s) for playgrounds or other recreational purposes if suitable area cannot be properly located on site plan property
- [22] State Environmental Quality Review Act assessment (short environmental assessment form is the minimum required).
- [23] Other elements integral to the proposed development as considered necessary by the Planning Board, identification of any state or county permits required for the project's execution.

b) Planning Board review of preliminary site plan application. The Planning Board's review of the preliminary site plan application shall include, but not be limited to, the following:

- [1] The need of the proposed use.
- [2] Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls generated by the proposed use and in the vicinity of the proposed use .
- [3] Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- [4] Location, arrangement, composition, appearance and sufficiency of off-street parking and loading.
- [5] Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
- [6] Adequacy of storm water and drainage facilities.
- [7] Adequacy of water supply and sewage disposal facilities.
- [8] Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

[9] Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

[10] Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

[11] Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to run off, ponding, flooding and/or erosion.

[12] In the case of residential development, multi family condominium, mobile home park, apartment complex or other multiple dwelling, the adequacy of usable open space for park, play areas, playground areas and informal recreation.

[13] Overall impact on adjacent land uses and physical features and impact on the neighborhood including the compatibility of design, natural characteristics of the site or area, present and potential surrounding use.

[14] Impact on historic, water and visual features within the village and region

[15] Location, size, and design of signage

[16] retention of existing trees for protection, buffer and control of soil erosion, drainage and natural beauty

[17] effect on air and water quality standards applicable

[18] Adequacy of provisions for solid waste disposal and snow removal storage areas

(c) Consultant review.

(1) The Planning Board may consult with the Building Inspector, Village Attorney, Public Works, County Planning Department and other local and county officials, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation, Canal Corporation, NYS Department of Health, and the State Department of Environmental Conservation.

(2) The Planning Board may hire a consultant, if needed, to review plans. Expenses incurred by Planning Board for consultation fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant.

(d) Referral to the County Planning Board. Prior to taking action on the preliminary site plan application; the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with § 239 of the General Municipal Law.

If the County Planning Board disapproves the proposal or recommends modification thereof, the Village Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all members and after the adoption of a resolution fully setting forth the reasons for such contrary actions.

(e) Public hearing. Before Planning Board action to approve, modify and approve, or disapprove the site plan development a public hearing shall be held no later than 62 days

following submittal of a completed application. Legal Notice for the public hearing must be published in the village's official newspaper at least five (5) days before the public hearing. The cost of the required hearing notice to be placed in the village's official newspaper shall be paid by the applicant.

(f) Planning Board action of preliminary site plan application. Within sixty two (62) days following a public hearing for preliminary site plan review; the Planning Board shall act on the proposal. The Planning Board shall approve, disapprove or approve with modifications the preliminary site plan application. The Village Planning Board shall enter its reasons for such actions in its records.

The action of the Planning Board's action shall be in the form of a written statement to the applicant. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval.

If the preliminary site plan application is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(g) Planning Board may require in conjunction with its approval of any site plan review project impose such requirements and conditions as are allowable within the proper exercise of police power including the imposition of conditions such performance bond and or letter of credit, restriction of land against further development of principal buildings whether by deed restriction, restrictive covenant or other similar appropriate means:

to insure that guidelines as to the development as provided in this Local Law shall be respected and complied with,

to insure improvements completed in accordance with the terms of approval,

**C. Planning Board review of final site plan application.** After receiving approval, with or without modifications, of the preliminary site plan application, the applicant shall submit a final detailed site plan application to the Planning Board for approval. The final

site plan application shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

(1) Planning Board action of final site plan application. Within sixty two (62) days of the receipt of the final site plan application, the Planning Board shall approve or disapprove the final site plan application. Three (3) copies of the final site plan application are required. The final site plan shall be prepared and sealed by a licensed professional engineer, architect, landscape architect or land surveyor.

(a) Upon approval of the final site plan and payment of all fees and reimbursable costs, the Planning Board shall endorse its approval on all three (4) copies of the final site plan and shall forward one (1) copy to the Building Inspector and provide a second for filing with the County Planning Board, when applicable, and one copy for the applicant. The Village Planning Board will retain the final copy.

(b) Upon disapproval of the final site plan, the Planning Board shall so inform the Building Inspector, and the Building Inspector 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.

(2) If the preliminary site plan application is approved without modifications, the final site plan application procedure may be waived by the Planning Board.

#### § Park Land, Recreation or funding in lieu of park area

Site plan for single or multi residential development project, condominium, mobile home parks, shall show on site land for park, playground or other recreational purposes. If suitable park or parks of adequate size can not be properly located on the site plan, the Planning Board may required applicant to pay a sum of money in lieu of land to be deposited in a trust fund to be used exclusively for park, playground or other recreational purposed including acquisition of property

#### § Filing of Decision

The decision of the Planning Board shall be filed in the Village Clerk's Office within five business days after such decision is rendered and a copy of the decision mailed to the applicant.

#### § Extension of time

The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

#### § Flood Protection District.

All site plans for development within the Flood Protection District shall be in conformance with the provisions of the FEMA Flood Insurance Study, adopted as Village Local Law chapter 86 of Village Code Flood Damage Prevention Local Law and as shown on the Schuylerville Village Map. Such proposal shall be reviewed to assure that it is consistent with the need to minimize damage, that all utilities are located to minimize damage or eliminate flood damage and adequate drainage is provided so as to reduce exposure to flood hazards.

#### § Appeal Procedure.

Any person aggrieved by any decision of the Planning Board or any officer, department, board or bureau of the village 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 Village Clerk.

#### § Inspection and Release of bond

Upon completion of the work depicted in the site plan, the Building Inspector shall make a field inspection, noting on one (1) copy of the approved site plan compliance between the site plan and actual development and shall submit the same to the Village Planning Board. No performance bond or other surety shall be released and no certificate of compliance issued unless or until the Village Planning Board is satisfied that actual development is in substantial compliance with the approved site plan. Village shall notify Village Board and other officials of compliance

#### § Supercession.

This local level is intended to invoke the super cession provisions of section 10 (1)(ii)(e)(3) of the Municipal Home Rule Law and New York Statute of Local Government (section 10) and shall supersede all inconsistent provisions of NYS Village Law (including article 7), and NYS General Municipal Law.

#### § Effect on other provisions.

Except as noted above; 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, this local law shall apply.

#### § Integration of other 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 village, the Planning 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.

#### § Fees

Fees provided for by this local law and required building fees shall be paid in the amounts established by the Village Board

#### § Enforcement; penalties for offenses.

Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this chapter or any conditions imposed by this planning board, village board or by permit pursuant hereto shall be guilty of an offense and subject to a fine of up to one thousand dollars (\$1000.00) or by a civil penalty of seven hundred fifty dollars (\$750.00) to be recovered by the village 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.

Village of Schuylerville may also seek such other and further relief including but not limited to provisions within the Village of Schuylerville Code, NYS Village Law, General Municipal Law.

#### § Adoption of further rules and regulations.

The Village Board may, after a public hearing, adopt such further rules and regulations, as it deems reasonably necessary to carry out the provisions of this chapter.

#### §. Amendments.

All proposed amendments should be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report to the Village Board within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

#### § Performance guaranty.

No certificate of occupancy shall be issued until all improvements shown on the site plan are completed, installed or a sufficient performance guaranty has been posted for improvements not yet completed. The Village Board shall determine the sufficiency of such performance guaranty after consultations with the Planning Board, Building Inspector, Village Attorney and other appropriate parties.

#### § Inspection.

The Building Inspector shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

#### § Expiration of site plan approval.

Site plan approval shall expire after one (1) year of the date of the site plan if actual construction has not commenced by the applicant. The Planning Board may extend this site plan application approval for good cause for another six months upon written request of the applicant.

#### § Severability

The provisions of this Local Law are severable. Should any word, phrase, article, section, paragraph or provision of this Local Law be found to be invalid, such decision, judgment, order shall only apply to the word, phrase article, section, paragraph, or provision(s) adjudged invalid, and the rest of this Local Law shall remain valid and effective.

#### § Effective Date

This Local Law shall take effect immediately upon filing with the New York State Department of State, 41 State Street in Albany, New York