

**TOWN OF NICHOLS
LOCAL LAW NO. 6 OF THE YEAR 2018**

A LOCAL LAW AMENDING CHAPTER 194 ENTITLED "ZONING"

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

Section 1: Chapter 194 of the Town Code shall be amended as follows:

Insert:

§ 194-8.1. Site Plan Review.

A. Applicability.

All proposed commercial and industrial uses in zones B-A-R, I-A-R, I-B-A-R, I-2-B-A-R shall require site plan review in accordance with this section.

B. Purpose.

The purpose of this section is to authorize the Town Planning Board to review site plans prepared to specifications set forth herein, by examining such design elements which relate to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, impact of the proposed use on adjacent land uses and such other elements as may be related to health, safety and general welfare of the community.

C. Procedures.

(1) Sketch plan - A sketch plan conference between the Planning Board and applicant shall be held to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference the applicant shall provide, at a minimum, the following:

- a. Name and address of applicant and authorization from the owner, if different from applicant.
- b. Name and address of owner(s) of record, if different from applicant.
- c. Name and address of person or firm preparing the plan and map.
- d. Current zoning classification of property, including exact zoning boundary if in more than one district.
- e. Property boundary line plotted to scale. Distances, angles and area should be shown.

- f. North arrow, scale and date.
- g. Locations and names of existing streets.
- h. A brief project narrative and preliminary concept to scale showing the locations of principal and accessory structures, parking areas, and other planned features and any significant anticipated changes to the existing topography and natural features.

(2) If the Planning Board determines that the information submitted for the sketch plan is sufficient, it may, at its discretion, accept a site plan review application at the sketch plan meeting without requiring additional information or scheduling a separate site plan review.

D. Formal Application Content.

(1) If additional information is requested by the Planning Board after the sketch plan conference, a complete application for formal site plan review shall be submitted to the Planning Board at least 10 business-days in advance of the scheduled meeting date. Six (6) copies of the complete application for site plan approval shall be submitted to the Planning Board.

- a. The Code Enforcement Officer or the Planning Board may request any of the items listed below. The Code Enforcement Officer and the Planning Board are not limited to this list and may request any additional information it deems necessary or appropriate.
- b. In determining the amount of information it will require, the Code Enforcement Officer or the Planning Board shall consider the type of use, its location, and the size and potential impact of the structures of the project.
- c. The proposed site plan shall show the information requested by the Code Enforcement Officer and the Planning Board on maps that are scaled appropriately to illustrate the information requested.
- d. Site plan checklist:

[1] Existing conditions.

a) Legal data.

- i. Name and address of applicant and authorization of owner, if different from applicant.
- ii. Name and address of owner(s) of record, if different from applicant.

- iii. Name and address of person or firm preparing the plan and map.
 - iv. Current zoning classification of property, including exact zoning boundary if in more than one district.
 - v. Property boundary line plotted to scale. Distances, angles and area shall be shown.
 - vi. North arrow, scale and date.
 - vii. Locations, widths, elevations and names of existing and proposed adjacent streets.
 - viii. Property lines and names of owners of adjoining parcels.
 - ix. Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property.
 - x. Proof of ownership or lease arrangement.
 - xi. The identification of any state or county permits required for execution of the project.
 - xii. Other requirements which the Planning Board might deem necessary, including, but not limited to, a licensed survey.
- b) Natural features.
- i. Topographic features, including a map showing existing contours.
 - ii. Soil characteristics, such as load bearing capacity and drainage capacity.
 - iii. Hydrologic features should include drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater.
- c) Existing development and infrastructure.
- i. Location and dimensions of existing buildings and structures and their use.
 - ii. Location and width of roads and paths, including site access.

- iii. Location, size and flow direction of sewers, water supply lines and culverts.
- iv. Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

(2) Proposed Development New Conditions

- a. Grading and drainage plan showing proposed topography at appropriate contour intervals. This information shall be combined as an overlay with the map of existing topography.
- b. Location, proposed height and use of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.
- c. Location, proposed use and design of non-structural improvements, such as parking, loading and outdoor storage areas.
- d. Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross sections of roadways and sidewalks showing grades, widths and location and size of utility lines.
- e. Location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
- f. Location and size of stormwater infrastructure and protection measures.
- g. Location and design of outdoor lighting fixtures and a lighting plan.
- h. Location, size and design and construction materials of all signage.
- i. General landscaping plan and planting schedule, including areas of natural vegetation to remain, the treatment of buffer areas and the location and type of trees to be planted.
- j. Estimated project construction schedule with possible phasing plan for large projects.
- k. Any other requirements which the Planning Board might deem necessary, including but not limited to a licensed survey and as-built drawings.
- l. Environmental Review. Applications for site plan review and approval shall be accompanied by a short-form or a long-form EAF or a draft EIS, as required by SEQRA.

- m. Project Narrative including intended use, number of employees, estimated traffic generation and hours of operation.

E. Professional Assistance.

- (1) If the Town determines that review of the application requires professional assistance to make informed decisions, the Planning Board or the Code Enforcement Officer may engage the services of professional consultants during site plan review, at the expense of the applicant. The cost of assistance is separate and apart from any other fees or costs associated with SEQRA review.

F. Criteria for Site Plan Review.

- (1) In considering the approval of the site plan, the Planning Board shall consider if the project complies with the following:
 - a. Consistency with the Town Comprehensive Plan and the Town Agricultural & Farmland Protection Plan
 - b. A positive relationship to adjacent and nearby land uses both public and private, including visual compatibility with surroundings.
 - c. A suitable location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - d. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - e. An acceptable location, arrangement, appearance and sufficiency of parking and off-street loading.
 - f. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
 - g. The adequacy of stormwater and drainage facilities.
 - h. The adequacy of water supply and sewage disposal facilities including the relationship to existing and proposed water supply, sewage disposal.
 - i. The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining residential properties, including the maximum retention of existing vegetation.
 - j. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

- k. The project's impact on the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.
- l. The adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

G. Planning Board Action.

- (1) Following review of submitted formal application items, the Planning Board shall determine the applications completeness. Once the application is determined to be complete by the Planning Board it shall be deemed received and the Planning Board shall render its decision after meeting the situational actions below.
- (2) If the Planning Board is conducting a special permit review as part of a site plan review, the Planning Board shall refer to additional criteria in the Special Permit Review Section.
- (3) Notices. Applications which meet the criteria of 239-1 and 239-m of the General Municipal Law shall be sent to the Tioga County Planning Board prior to the Planning Board decision. Applications that meet the criteria of 239-n shall notify neighboring municipalities.
- (4) The Planning Board shall comply with the State Environmental Quality Review Act (SEQRA).

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Nichols shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.