

November 14, 2019

SITE PLAN REVIEW REGULATIONS

TOWN OF MADISON, MADISON, NEW YORK
ADOPTED ON FEBRUARY 11, 2010 Revisions November 14, 2019

Filed 4/1/10

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**Town of Madison - Site Plan Development Regulations
Site Plan Review Law - Commercial and Industrial
Developments**

Article I

Introductory Provisions

Section 1.0 Enactment. The Town Board of the Town of Madison, Madison County, New York, does hereby ordain and enact the Town of Madison 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.

1.1 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. It is further the intent of this local law to ensure 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 any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

1.2 Authorization of Planning Board to review site plans. The Planning 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

Section 2.0 Applicability of review requirements. All new Commercial and Industrial developments that disturb a minimum of One (1) acres or greater or the construction or modification of structures over 2000 square feet including accessory structures on new or existing sites.

2.1 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 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.

2.2 Relationship of this law to other laws and regulations. This local law in no way affects the provisions or requirements of any Federal; New York State, including New York State Environmental Quality Review Act (SEQRA).

a) Referral shall be made to the Madison County Planning Department in accordance with General Municipal Law Section 239-m

b) The Town of Madison Comprehensive Plan shall be reviewed to determine if any conflicts exist with other laws or regulations.

2.3 Definitions. As used in these regulations the following terms shall have the meanings as indicated.

ABOVEGROUND TANK --- Any stationary tank, which is not covered with earth or other backfill material.

ACCESSORY BUILDING --- A structure detached from and subordinate to a principal building on the same lot, which is used for purposes incidental to those of the principal building or use.

ACCESSORY USE ---- A use incidental and subordinate to the principal use.

AESTHETICS – Architectural design including building location, dimensions, topography at appropriate contour levels, parking lot placement, retaining walls, outdoor storage tanks, fences, signs and arrangements for site access and egress as well as pedestrian and vehicle movement. Aesthetics also includes general landscaping plan including treatment of buffer areas and location and types of trees and shrubs to be planted.

AIRPORT ---- A facility for the landing, takeoff, storage and repair of fixed and rotary winged aircraft.

ALTERATION --- A structural or physical change.

AMUSEMENT FACILITY ---- An indoor facility opens to the public such as theaters, ice rinks and bowling alley.

BUSINESS OFFICE --- A building or portion of a building or structure wherein services are performed or provided at a charge to customers or clients.

CAR WASH ---- A structure used principally for the cleaning, washing, polishing or waxing of motor vehicles.

COMMERCIAL/RETAIL — Enclosed and non-enclosed restaurant(s), store(s) for sale of retail goods, personal service shop and department store(s); includes any drive-up service, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service. Enclosed/non-enclosed machinery and transportation equipment sales and service - repair. Freight or trucking terminal, Lumber/Contractor's yard or any accessory structures or uses associated with the above. Structures or activities where services are provided at a charge to the customers and/or users of such services.

COMMERCIAL/RECREATION --- Outdoor facilities operated as a business and open to the public with facilities or vehicles for uses such as sports and sports instructions and marinas.

DUMP ---- Any area used for disposal of garbage, sewage trash, refuse, junk, discarded machinery and automobiles.

FUNERAL HOME ---- A building or part thereof used for human funeral services

Energy Distribution Facilities --- Includes location, design and construction materials of energy distribution. Electric - including exterior lighting and location, (parking lots and signs), heating, cooling systems and solar energy

GENERAL SERVICES ---- Facilities providing secretarial services, computer repair, office equipment, lawn mower repair and similar services.

HOME OCCUPATION --- An occupation or profession carried on wholly within a dwelling unit or an accessory structure (use) by a member of the family residing in the dwelling unit and which is clearly incidental to the use of the dwelling unit for residential purposes.

HOSPITALS ---- As defined by Public Health Law 2801

JUNKYARD, AUTOMOBILE ---- Any area used for the storage of inoperable or salvage automobiles. Includes dismantling of automobiles for sale of salvaged parts.

LANDFILL ---- Any area for the deposit of refuse or dumping.

INDUSTRIAL: Enclosed/non-enclosed manufacturing industries, warehouse or Public Utility. Enclosed/non-enclosed industrial processing service and produce packaging firm.

LOT — Land occupied or which may be occupied by a building and its accessory uses, together with such open spaces as are required, having not less than minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate, as a condition of issuance of a building permit for a building.

PARKING LOTS RELATED TO BUSINESS, COMMERCIAL AND/OR INDUSTRIAL USES --- An area of land where vehicles are to be parked or placed for the users or providers of business, commercial and industrial services. The preparation or construction of any such parking lot shall be subject to site plan review.

SELF-STORAGE COMMERCIAL ---- A building or group of buildings in a controlled access and fenced compound that contains individual compartmentalized stalls or lockers for storage of customer's goods. Fence shall be constructed of non-transparent material of sufficient height to obscure the view.

SHORE LINE -- Is measured by the high-water mark of any lake, pond, river or permanent stream.

SIGN OR BILLBOARD -- A sign that directs attention to a business or industry and includes professional services, commodities and entertainment.

STOP WORK ORDER ---- An order issued that requires all construction activity on a site be stopped.

STORM WATER RUNOFF—Water generated by rain or snowmelt.

STRUCTURE — Anything constructed or erected, the use of which requires attachment to the ground by means of a footing, support or anchor, having not less than the minimum width, depth and height acceptable to the Planning Board and local codes, but not including ground-level patios and terraces without roofs or walls, driveways, sidewalks or other similar installations.

WATER – Potable water, public or private, includes volume and location.

WASTE DISPOSAL – Septic system, private or municipal sewer, includes capacity and flow direction.

Article III **Site plan review**

Section 3.0 Procedures. Prior to undertaking any new land use activity, a site plan approval by the Planning Board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

3.1 Sketch plan. A sketch plan conference shall be held between the Planning 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 Planning Board of his/her proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, advise the applicant as to 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, existing structures, contours, wetlands, water courses, parking areas, access signs (with descriptions), existing and proposed vegetation, trees, 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 two hundred (200) feet of the boundaries of the parcel.
- 3) Brief description of proposed use.

3.2 Application requirements. An application for site plan approval shall be made to the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan

conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

Site plan checklist:

- 1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
- 2) North arrow, scale and date.
- 3) Survey of the property plotted to scale showing all boundary's and existing conditions.
- 4) Existing buildings, existing contours, large trees, wetlands and watercourses, etc
- 5) Grading and drainage plan.
- 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.
- 20) Estimated project construction schedule.
- 21) Identification of any permits from other governmental bodies required for the project's execution.
- 22) Record of application for and status of all necessary permits from other governmental bodies.
- 23) Compliance with State Environmental Quality Review Act (SEQRA).
- 24) Agricultural Data Statement, pursuant to 305-a of the New York State Agriculture and Markets Law.
- 25) Storm water Pollution Prevention Plan (SWPP) is required by NYS DEC when 1 acre or more is disturbed.
- 26) Other elements integral to the proposed development, as may be considered necessary in the particular case by the Planning Board.

3.3 Required fee. An application for site plan review shall be accompanied by a fee of \$250.00.

3.4 Reimbursable costs. **With prior approval from the applicant** cost incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. When an EIS is required cost will be determined by 6NYCRR part 617.13. Refusal by the applicant would be grounds for disapproval of the application.

Article IV

Review standards

Section 4.0 General standards and considerations. The Planning 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, lighting and signs.
- 2) Compliance with minimum lot size of 1 acre.
- 3) Compliance with setback requirements.

- a) Structure setback; front, 30ft minimum from right of way of existing highway; side and rear yard; minimum 25 ft.
 - b) Minimum road frontage 100 ft.
 - c) Minimum lot depth 125 ft.
 - d) Accessory structure less than 144 sq.ft. minimum of 25 ft.
- 4) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - 5) Location, arrangement, appearance and adequate off-street parking and loading.
 - 6) Adequacy and arrangement of pedestrian access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - 7) Adequacy of storm water and drainage facilities.
 - 8) Adequacy of water supply and sewage disposal facilities.
 - 9) 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.
 - 10) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - 11) Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
 - 12) Shoreline
 - 13) Accessory structures
 - 14) Compliance with requirements for salvage and junkyards; property drainage, location, lot size and setback distances. Yard will be enclosed with non-transparent fence, shrubbery or natural growth at least 8ft. in height to block view of contents.
Minimum front yard setback of 50ft. from right of way, setback from buildings, side and rear boundary lines 25ft.
Interior area and exterior area between boundary and fence or barrier shall be kept free of combustible material and junk. Vehicles should be arranged in rows and not exceeding the height of the fence. Yard should not contain drums, barrels or tanks containing combustible liquids. A clear access must be maintained for fire equipment entrance and fire extinguishers should be maintained on the property. Proper License under ARTICLE 6 OF NYS GENERAL MUNICIPAL LAW must be obtained and displayed on the premises.
 - 15) Energy Distribution Facilities.
 - 16) Overall impact on the neighborhood including compatibility of design consideration.
 - 17) Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

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

Article V

Shoreline Standards: Commercial, Business and Industrial Development on Lake Moraine and Madison Lake.

Section 5.0 General Standards.

- 1) Commercial, Business and Industrial Development on Lake Moraine and Madison Lake and/or those properties with riparian rights is prohibited within a distance of one quarter (1/4) mile from the shoreline(s).

Article VI

Public hearing and Planning Board decision.

Section 6.0 Public hearing. The Planning 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 sixty-two (62) days of the receipt of application for site plan review and 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 five (5) days before the public

hearing. When referral is made to the Madison County Planning Department as required by section 239-m of the General Municipal Law, notice and information must be submitted ten (10) days prior to hearing.

6.1 Planning Board decision. Within sixty-two (62) days of receipt of the application for site plan approval or if a public hearing is held within sixty-two (62) days of public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modifications or disapprove the site plan. 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.

6.2 Approval

- 1) Prior to final approval the Planning Board request permission from the applicant to do a visual inspection of the property.
- 2) Upon approval of the site plan by the Town of Madison Planning Board and when required the Madison County Planning Department and payment by the applicant of all fees and reimbursable costs due the Town, the Planning 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.
- 3) Approval with modifications. The Planning Board may conditionally approve the final site plan. A copy of the 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 Planning Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the Planning 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.
- 4) After Planning Board approval and the necessary permits have been obtained, building permits may be issued.
- 5) Disapproval. Upon disapproval of the site plan the decision of the Planning 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 Planning Board's reasons for disapproval.
- 6) After notice of disapproval is received, applicant may file a variance application with the Appeals Board for a further determination.

Article VII

Appeal of Planning Board decision.

Section 7.0 Appeals Procedure. Any person aggrieved by any decision of the Planning Board, Appeals Board or any Officer or Department of the Town, may apply to the Supreme Court after exhausting administrative remedies 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 VIII

Site Plan Approval Application

Preliminary Date: _____
Name of proposed development or project. _____
Applicant:
Name _____

Address _____

Telephone _____
Owner (if different):
Name _____
Address _____

Telephone _____
Ownership intentions, i.e., purchase options _____
Location of site _____

Tax map description - Section _____
State and Federal permits needed (list type and appropriate department). _____
Proposed use of site _____
Total site area (square feet or acres) _____
Anticipated construction time _____
Will development be staged? _____
Current land use of site (agriculture, commercial, undeveloped, etc.) _____

Current condition of site (buildings, brush, etc.) _____

Character of surrounding lands (suburban, agriculture, wetlands, etc.) _____
Estimated Completion Date: _____
Plans Prepared by:
Name. _____
Address _____

Telephone _____ (If more than one owner provides information for each)
Block _____ Lot _____
Estimated cost of proposed improvement \$ _____
Anticipated increase in number of residents, shoppers, employees, etc. (as applicable). _____
Proposed use.
1) Primary: _____
2) Secondary: _____
3) Ground floor area: _____
4) Height: _____
5) Number of stories for each building: _____
6) Residential buildings:
a) Number of units: _____
b) Size (one bedroom, two bedrooms, or more): _____
c) Number of parking spaces: _____
7) Non-residential buildings:
a) Total floor area: _____
b) Total sales area if applicable: _____
c) Number of parking spaces. _____
d) Additional structures: _____

Article VIII

Miscellaneous provisions

Section 9.0 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 7.0 hereof. If appointed, the Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

9.1 Further regulations. The Planning Board may; after approval from the Town Board and public hearing, adopt further rules and regulations necessary to carry out the provisions of this local law.

9.2 Amendments.

1) The Town Board may on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

2) All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report 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.

9.3 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 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.

9.4 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.

Article X

Enforcement

1.0 Enforcement. Any person, corporation, partnership, association of 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 of not more than three thousand dollars (\$3000.00) or by penalty of three thousand dollars (\$3000.00) 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.

Developed from an illustration provided by the New York Department of State, Site Development Plan Review Publication