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SITE PLAN REVIEW REGULATIONS

TOWN OF MADISON, MADISON, NEW YORK
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SITE PLAN REVIEW REGULATIONS

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

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.

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.

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

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