

PART II – GENERAL LEGISLATION

Chapter 204 – Site Plan Review

[Adopted as Local Law # 3 of 2005, Amended and Adopted, December 27, 2012, as Chapter 204 of the Code]

Article I Site Plan Review

Sections 204-1 – 204-11

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Section 204-1 – Contingency – Site Plan Review shall be required in accordance with this section before the issuance of a building or zoning permit, and/or before any change or expansion of the use of a building or land, or upon the change in ownership and permitted continued use, on premises located in the Village Center and Commercial Districts and any commercial use in other districts. The Village Planning Board is authorized pursuant to Village Law Section 7-732-a to review and approve, approve with modifications or disapprove site plans prepared to specifications. No Certificate of Occupancy or Compliance shall be issued unless the owner or applicant with the owner's written permission complies with the provisions of site plan review by the Village Planning Board as hereafter set forth.

Section 204-2 – Sketch plan – A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of the 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 at least ten (10) days before the sketch plan conference, which shall be held at a regular scheduled meeting of the Planning Board. In addition, the Planning Board must then determine whether to notify Onondaga County Planning Board pursuant to the provisions of General Municipal Law Section 239-m:

- a. A statement and rough sketch showing locations and dimensions of principal and accessory structures, parking area, 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.
- b. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, right of ways, properties, easements and other pertinent features; and
- c. A topographic or contour map of adequate scale and detail to show site topography.
- d. Within 32 days of the sketch plan conference, the Planning Board shall render a written decision to either, proceed with Site Plan Review as hereafter described; grant a variance to waive any of the requirements; or waive in its entirety further site plan review.

Section 204-3 – Application for site plan approval – An application for site plan approval shall be made in writing to the Chair of the Planning Board and shall be accompanied by a proposed site plan based upon information on the following checklist. When the sketch plan conference is held, the accompanying information shall be drawn from the following checklist as determined by the Planning Board at said sketch plan conference. The proposed site plan shall be prepared by a New York licensed professional engineer, registered landscape architect or surveyor and it shall include, unless waived by the Planning Board as hereafter provided in Section 204-10:

- a. Title of drawings including name and address of applicant and person responsible for preparation of such drawing;
- b. North arrow, scale and date;
- c. Boundaries of the property plotted to scale;
- d. Existing watercourses;
- e. Grading and draining plan, showing existing and proposed contours;
- f. Location, design, type of construction proposed use and exterior dimensions of all buildings;
- g. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- h. Provisions of pedestrian access;
- i. Location of outdoor storage, if any;
- j. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- k. Description of the method of sewage disposal and location, design and construction materials of such facilities;
- l. Description of the method of securing public water and location, design and construction of such facilities;
- m. Location of fire and other emergency zones, including location of fire hydrants;
- n. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- o. Location, size and design, and type of construction of all proposed signs;
- p. Location of proposed development of all buffer areas, including existing vegetative cover;
- q. Location and design of outdoor lighting facilities;
- r. Identification of the location and amount of building area proposed for retail sales or similar activity;
- s. General landscaping plan and planting schedule;
- t. An estimated project construction schedule;
- u. Record of application for approval status of all necessary permits from state and county officials;
- v. Identification of any state or county permits required for the project's execution; and

w. Other elements integral to the proposed development as considered necessary by the Planning Board.

Section 204-4 – Review of site plan – The Planning Board’s review of the site plan shall include, as appropriate, but not limited to, the following general considerations:

- a. Location, arrangement, size and general site compatibility of building, lighting and signs.
- b. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- c. Location, arrangement, appearance and sufficiency of off street parking and loading.
- d. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- e. Adequacy of storm water and drainage facilities.
- f. Adequacy of water supply and sewage disposal facilities.
- g. 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.
- h. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
- i. Special attention to the adequacy of impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Section 205-5 – Storm Water Pollution Prevention Plan – a Storm Water Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Article I and II of Chapter 217 (Storm Water Management and Erosion and Sediment Control) shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards of Article II of Chapter 217. The approved Site Plan shall be consistent with the provisions of Chapter 217.

Section 204-6 – Planning Board action on site plan – within 45 days of the receipt of a complete application for site plan approval, the Planning Board shall render a written decision with the Village Clerk and mail a copy of such decision to the applicant with a copy to the Code Enforcement Officer. The time within which such a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

- a. Upon approval of the site plan and payment by the applicant of all fees and reimburse costs due to the Village, the Planning Board shall endorse its approval on a copy to the applicant, Code Enforcement Officer, and file same with the Village Clerk.
- b. Upon disapproval of a site plan, The Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its

decision and its reasons for disapproval. Such disapproval shall be filed with the Village Clerk.

Section 204-7 – Reimbursable costs – Reasonable and necessary costs incurred by the Planning Board for consultation fees, including stenographic services, or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant pursuant to Chapter 84 as well as Chapter 250, Zoning, Article XVII, Subsection C.

Section 204-8 – Performance guaranty – No permanent certificate of occupancy shall be issued until all improvements shown on the site plan are 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, Code Enforcement Officer, Village Attorney and other appropriate parties.

Section 204-9 – Inspections of improvement – The Code 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.

Section 204-10 – SEQR Lead Agency – The Planning Board when conducting site plan review shall be considered lead agency under SEQR.

Section 204-11 – Waiver – The Village of Marcellus Planning Board is empowered, when reasonable, to waive any requirements for approval, approval with modification or disapproval of site plans submitted for approval. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site. In the event a waiver of the imposed conditions is requested, a second public hearing shall be scheduled and heard in accordance with the requirements of Section 204-3 above.