

TOWN OF OTEGO

SITE PLAN LAW

REVIEW LAW

Local Law #2 of 1997

ARTICLE A. INTRODUCTORY PROVISIONS

1. Enactment

The Town Board of the Town of Otego, Otsego County, New York does hereby ordain and enact the Town of Otego 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.

2. Title

This local law shall be know as the Town of Otego Site Plan Review, Local Law #2 of 1997

3 . 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. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants.

It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (eg. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and guarding neighboring properties against intrusive development impacts.

4. Planning Board Authority to Review Site Plans

The Planning Board is hereby authorized to review and approve, approve with modifications, 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.

5. Appeals and Waivers

Refer to Article I No. 6 and 7 at the end of the law.

ARTICLE B. DEFINITIONS

Access - entrance was for vehicles to leave or enter a property of lot from a public highway or private road.

Access Drive - see "Driveway".

Accessory Structure or Use - a secondary structure or use on the same lot or on a contiguous lot in the same ownership which is associated with principle use or structure, and which is incidental and subordinate to the principle use or structure.

Alteration, Structural - to change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; or the exit facilities of a structure; or the relocation of a building from one location to another.

Applicant - the person(s), corporation, agency, or other legal entity responsible for submitting site plan applications for review by the Planning Board.

Aquifer - an underground geologic formation that contains and transmits significant quantities of groundwater.

Area, Building - the total area taken on a horizontal plane at the main grade level of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Floor - the total interior floor space measured in square feet of a structure.

Area, Lot - the total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

Average Daily Traffic - the average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

Average Peak Hour Traffic - the average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

Base Floodplain - see "100 Year Floodplain"

Billboard - see "Sign, Advertising".

Buffer Area - an undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (eg. noise, dust, visibility, glare, etc.) on adjacent properties.

Building - a structure designed to be used as a place of occupancy, business, storage, or shelter. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television and other utility communication towers.

Building Area Coverage - the percentage of the lot area covered by combined area of all buildings on the lot.

Building, Principal - the building on a lot that houses the primary use on a parcel of land.

Change of Use (Conversion) - the change of use or occupancy of a building from either residential, commercial, or industrial to one of the other uses, or a change in the intensity of the same use.

Cul-de-sac - A designated turn-around area for vehicles at the end of a street or road.

Curb-cut - a defined opening to provide vehicular access from a public highway to a lot or property.

Drainage - a system of swales, ditches and culverts, catchbasins and piping to convey stormwater runoff to retention areas and stabilized discharge points.

Driveway - private entrance drive that is less than five hundred (500) feet in length and which commonly leads to the principal use.

Dwelling - a complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

Dwelling, Attached - a dwelling unit that has common walls, floors, or ceiling with two (2) or more dwelling units.

Dwelling, Multiple Family - a building, portion of a building, or group of buildings on one lot each containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other; to include manufactured housing.

Dwelling, Single-Family, Detached - a residential dwelling unit, other than a mobile home, designed for occupancy by one family and having no party wall in common with another building.

Dwelling, Two-Family - a building designed for and occupied exclusively as a home or residence for two families.

Easement - the right to use the land of another, obtained through the purchase of use rights from a landowner, for a special purpose consistent with the property's current use.

Environmental Assessment Form (EAF) - a form used to determine whether a project will have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, either a short or long SEQR Environmental Assessment Form will be completed.

Environmental Impact Statement (EIS) - a document prepared pursuant to SEQR, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

Erosion - the wearing away of surface soils by action of wind or water.

Erosion Control - use of reseeded, revegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion.

Family - one or more persons living together as a single housekeeping unit and maintaining a common household.

Fire Lane - access for emergency fire-fighting vehicles.

Frontage - that part of a property bounded by either a public or private road.

Flood Hazard, Area of - land within a community subject to a one percent (1%) or greater chance of flooding in any given year. Also commonly referred to as base floodplain or 100 year floodplain.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

Grading - the leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

Gross Floor Area - the total interior area of a building, multiplied by the number of floors.

Highway, Commercial - business or commercial uses that depend on vehicle access and that front on a public highway.

Highway Work Permit - statement of approval by the authorized agency (State, County or Town) for proposed work in the road right-of-way.

Home Occupation - any business use customarily conducted entirely within a dwelling, provided that such use is carried on by the residents of the dwelling, is clearly incidental and secondary to the use of the dwelling, and does not significantly change the character of the dwelling.

Impervious Surface Coverage - the percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with a paved surface or a surface that is impervious to water.

Industrial Use - the use of buildings or land, or both, for the purpose of manufacturing or producing, in whole or in part, any type of product or goods, and uses that involve the subsequent sale, trade or storage of such goods.

Ingress - a one-way access from a public highway or private road leading into a lot or property.

Junk Yard - A lot, land or structure thereof used for the collection, sale or storage of wastepaper, rags, scrap metal or discarded material, or for the collection, dismantling, storage or salvaging of machinery or vehicles, or for the sale of the parts thereof, not to include more than two (2) unlicensed vehicles.

Lot - a parcel of land whose boundaries are established by some legal instrument, such as a recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

Lot Coverage - the percentage of the lot area covered by the combined area of all building, structures, parking areas, or other impervious surfaces on the lot.

Mall - see "Shopping Center"

Mini-Mall - a small-scale shopping center, usually consisting of less than ten (10) stores or retail outlets. See "Shopping Center".

Net Floor Area - the total usable interior floor area of a structure (excludes such elements as walls, stairwells, elevators, etc.).

Off Street Parking - area provided for parking not on any public or private road.

Parking Space - an area reserved for the parking of a motor vehicle.

Peak Hours of Operation - the busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

Peak Season - the weeks or months or any period within an average year when the most activity occurs for a given use, group of uses or an area.

Person - means any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

Phased Development - development that occurs in defined stages (eg. a 20-unit townhouse project built in two separate 10-unit stages).

Principal Use - the main use of a lot or structure.

Road, Primary - where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (eg. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that state highways have greater traffic volumes than county roads.

Road, Private - an access drive or roadway that is longer than five hundred (500) feet, privately owned and maintained, and not meant for use by the general public.

Road - a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords the principal means of access to abutting property.

Road, Right-of-Way - an area defined by a boundary which provides for road construction, maintenance, improvement and/or widening.

Road, Secondary - where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (See Road, Primary).

Roadway Edge - the edge of one-half of the road from the centerline.

Runoff - surface water that flows onto, within, and/or off of the site area.

Screening - vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses

Sediment - soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation (Siltation) - the deposition of sediment and silt in drainageways, watercourses and waterbodies which may result in pollution, murkiness, accumulation, and blockage.

Separation Distance - distance between the two closest points of reference between two facilities, structures, uses or properties (eg. the distance between an on-site septic system absorption field and a well).

Septic System - a subsurface sewage disposal system, which consists of a septic tank and septic field, in which waste material is distributed through a network of tile fields following a process in the septic tank where solids are settled out of the waste.

SEQR Review (State Environmental Quality Review) - review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies

Setback - a minimum horizontal distance from a given point or line of reference, such as from a road edge or right-of-way, within which development is restricted.

Shopping Center - a group of stores, shops and similar establishments occupying adjoining structures all of which may be deemed one building if designed as an architectural unit and if it has adequate space in the rear for loading and unloading commodities.

Sight Distance - the length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sign - a name, identification, description, display, or illustration, or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor any official traffic control devices nor shall it include the flag emblem or insignia of a nation, state, county, municipality, school, or religious group.

Sign, Advertising - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is located. Advertising signs may also be referred to as "billboards".

Sign, Business - a sign which directs attention to a business, service, profession, organization or industry located on the premises where the sign is displayed to the type of products sold, manufactured, or assembled and/or to service or entertainment offered on said premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a business sign.

Sign, Freestanding - a sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Sign, Height of - the distance from the ground level, measured from the mid-point of the base of the sign, to the top of the sign.

Sign, Portable - any device on wheels or stand that is designed to be easily moved, the purpose of which is to display a sign.

Sign, Temporary - a sign that advertises or gives direction to a business or activity that will terminate within seven days.

Siltation Control - placement of siltation barriers such as sod, matting, hay bale barriers, or silt fencing or other methods to prevent pollution and blockage of watercourses and waterbodies by silt and other sediment.

Site Plan - maps, drawing, supportive data describing the project proposal or development plan for one or more lots on which are shown the existing or proposed condition of the lot, submitted to the Planning Board for review and approval.

Sketch Plan - conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review. May be used by the applicant as the basis for preparing the site plans for Planning Board review.

Sketch Plan Conference - initial optional Planning Board review of the project proposal with the applicant. The sketch plan conference provides an opportunity for an applicant to learn from the Planning Board what the site plan submission requirements will be prior to submitting the site plan.

Stacking Lanes - off-street temporary parking space specifically provided for vehicles to park behind one another while waiting for drive-up customer assistance. This type of parking is required for bank window tellers, fast food restaurants, car wash bays, etc.

Start of Construction - the initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling; installation of roads, excavation for a basement, footings, foundations or the erection of temporary forms. Start of construction also includes any work for which a valid building permit is required.

Structure - anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something have a location on the ground, including, but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., excepting outdoor areas such as paved areas and walkways.

Use, Accessory - a use of structure which is incidental but associated with the principal use such as a separate garage or shed, fencing, and recreational facilities (eg. pool, tennis court, etc.).

Use, Principal - the specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

Waterbody - any natural or man-made body of water, such as a pond, lake, wetland or wet area which does not necessarily flow in a definite direction or course.

Watercourse - a channel in which a flow of water occurs either continuously or intermittently.

Water, Ground - water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

Watershed - the area which is a drainage basin for a particular freshwater body.

Water, Surface - water contained in streams, rivers, ponds, wet areas, lakes and other waterbodies and watercourses, or that drains across land.

Wetlands - lands and submerged lands commonly called marches, swamps, sloughs, bogs and flats supporting aquatic semi-aquatic vegetation.

100 Year Floodplain - area where there is a one percent (1%) or greater chance of flooding in any given year.

ARTICLE C. APPLICABILITY

1. Uses Requiring Site Plan Approval

All new developed land use activities within the town shall require site plan review and approval before being undertaken, except those specifically exempted in Section 2 below. While not all inclusive, the following uses shall require site plan approval: multi-family residential development, home occupations, retail establishment, professional offices, shopping centers and mini-malls, warehouse and industrial buildings, and institutional buildings.

2. Exempted Uses

The following land use activities are exempted from the requirements of this law:

- a. Construction of one or two family dwellings, ordinary accessory structures, and related land use activities
- b. Ordinary repair or maintenance of existing structures or uses.
- c. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure.
- d. Incidental landscaping or grading.
- e. Exterior alterations or additions to:
 - 1) an existing residential structure which do not substantially change its nature or use
 - 2) any commercial or industrial structure which will not increase the gross floor area of the existing structure by more than twenty-five percent (25%) within any five (5) year period.
- f. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
- g. Alterations to home occupations that do not increase the gross floor area of the existing structure by more than fifty percent (50%).

3. Existing Uses and Structure

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence

provided such use or structure has started construction prior to the effective date of this law and is fully constructed and completed within one year after the effective date of this regulations.

4. Uncertain Applicability

Any person uncertain of the applicability of this law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

ARTICLE D. PROCEDURES

1. General

Any person, before undertaking any new land use activity at any location within the town for which this law requires a site plan, shall submit a site plan together with appropriate supporting data to the Planning Board for review and approval in accordance with the standards and procedures set forth in this law.

2. Sketch Plan

An informal conference between the applicant and the Planning Board is strongly encouraged prior to submission of a site plan application to review the proposed development in light of existing conditions and to generally determine the information to be required in the site plan. At the conference, the applicant shall provide either a verbal or written statement and a rough sketch describing what is proposed together with a USGS topographic map showing the location of the building site and its relationship to the surrounding area.

3. Initial Review

At the sketch plan conference the Planning Board will determine if the proposal is in conformity to an adopted Master Plan (if applicable), and to the extent feasible shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or should be modified before expenditures for more detailed planning are made. The Planning Board shall also review with the applicant submission requirements (Article D, Sections 5,6,and 7) to determine what specific information is to be presented with the site plan.

4. Application for Site Plan Approval

To apply for site plan approval, an applicant shall complete a site plan application form and file it with the Town Clerk together with the site plan and an application fee that has been established by the Otego Town Board. The Town Clerk shall immediately notify the Planning Board that such application has been filed and the date thereof.

5. Site Plan Submission Requirements

The site plan submitted for approval and supporting documentation is to include all of the following information, or those specific items requested by the Planning Board:

- a. Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.
- d. Location, size and existing use of buildings on premises.
- e. Location and ownership identification of all adjacent lands as shown on the latest tax records.
- f. Location, name, and width of existing adjacent roads.
- g. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
- h. Grading and drainage plan, showing existing and proposed contours and water courses.
- I. Location, type of construction and exterior dimensions of all buildings.
- j. Identification of the amount of gross floor area proposed for retail sales and services, offices, and other commercial or industrial facilities.
- k. Location, type of construction, and area of all parking and truck loading areas, showing access and egress.
- l. Provision for pedestrian access, including public and private sidewalks, if applicable.
- m. Location of outdoor storage, if any.
- n. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- o. Description of the method of sewage disposal and the location of such facilities.
- p. Description of the method of securing water, location of such facilities, and approximate quantity of water required.
- q. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
- r. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas and solar energy.
- s. Location, size, design and type of construction of all proposed permanent signs.
- t. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
- u. Location and design of existing and proposed outdoor lighting facilities.
- v. General landscaping and planning schedule
- w. Record of applications and approval status of all necessary permits from federal, state, county and local offices.
- x. Estimated project construction schedule.
- y. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.

6. Less Intensive Review

The Planning Board may elect to conduct a less intensive review for minor types of projects that do not generate a significant amount of traffic and/or that have little or no adverse impacts to neighboring properties and uses. Certain requirements of Section 5 above for such proposes uses may be waived where warranted. The Planning Board must state in writing its grounds for waiving certain submission requirements and file such statement along with the site plan application and supporting documents.

7. Specifications of Materials Submitted

- a. Site Map: This shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swanps, wetlands, wooded areas, areas subject to flooding, etc.
- b. Development Plan: This is a detailed plan for the proposed development, drawn to a scale of one hundred (100) feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provides a description and shows the location of sewage and water facilities; shows location of all signs; the location of proposed buffer areas; the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.
- c. Elevations and/or Sections: Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site developemtns plan, may be required by the Planning Board. The elevations and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.
- d. Engineering Plans: The Planning Board may required, as appropriate and within reason, engineering plans prepared by a licensed professional engineer to illustrate and describe such developmental aspects as: road improvements, drainage systems, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements confirmed by the Building Inspector or Town Engineer.

8. Acceptance of Site Plan Application

The Planning Board shall, within thirty (30) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the

application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

9. Segmentation

The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planning development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

10. Referral to Other Agencies and Board

- a. **Coordinated Review.** The Planning Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Dept. of Transportation, the State Dept. of Environmental Conservation, and the state or county Dept. of Health, whichever has jurisdiction.
- b. **Required Referral.** Prior to taking the final action of the site plan, and where applicable, the Planning Board shall refer the plan to the Otsego County Planning Board for their review and approval pursuant to Section 239-m of the General Municipal Law.

11. SEQR Compliance

The applicant shall demonstrate compliance for any actions subject to SEQR prior to site plan approval.

12. Public Hearing on Site Plan

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 Planning Board's acceptance of the site plan application and shall be advertised in the town's official newspaper at least five (5) and not more than fifteen (15) days before the hearing.

13. Planning Board Action on Site Plan

Following conclusion of the SEQR review process, and within sixty-two (62) days of its receipt and acceptance of the complete application for site plan approval, or, if a public hearing is held, within sixty-two (62) days after the close of the hearing, the Planning Board shall render its decision to either approve, approve with modifications, or disapprove the site plan.

- a. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan 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.
- b. Approval with Modifications. The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval and after 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 the site plan and a written statement of approval with the Town Clerk.
- c. 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 along with a letter stating the Planning Board's reasons for disapproval.

14. Extension of Time to Render Decision

The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and board, shall constitute Planning Board approval of the site plan as submitted or last amended.

ARTICLE E. DESIGN STANDARDS

1. General Objectives

Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood, or other causes. The proposed development shall be visually compatible with the character of the community to the extent feasible. Vegetative screening shall separate commercial and industrial and other non-residential uses from residential properties.

Site development shall comply with the following objectives:

- a. Adequate and safe vehicular circulation between the site and street network.
- b. Safe and adequate interior site circulation, parking and loading facilities.
- c. Sites should be accessible year-round with particular attention to access for emergency vehicles.

- d. Environmentally sensitive areas shall be protected and left undisturbed.
- e. Adequacy of stormwater and drainage facilities.
- f. Compatibility with and protection of adjacent uses, particularly residential uses, through landscaping, vegetative and other screening, buffering, planting and setbacks, method of construction and restrictions of outside activities.
- g. Consideration of the project design and compatibility of signs with neighboring uses.
- h. Mitigation of the adverse effects of smoke, noise, glare, vibration, odors, or noxious and offensive uses; appropriate hours of operation.
- I. Absence of dangerous or hazardous activities.

2. Lot Development Criteria

An application for site plan approval shall not be approved unless the proposed use meets the following minimum lot development standards:

- a. General
Sites shall be built to adequately accommodate on-site waste treatment and water facilities unless central sewer and water service is provided.
- b. Environmental Considerations

In general, sites to be developed shall avoid areas where the following conditions are present:
 - 1) Slopes greater than fifteen percent (15%)
 - 2) Bedrock less than five (5) feet from the surface and areas of frequent rock outcrops.
 - 3) Areas of high groundwater (seasonal or permanent)
 - 4) Soils with excessively slow or fast percolation (refer to Soil Survey Reports available from the Soil Conservation Service)
 - 5) Flood hazard areas
 - 6) State regulated freshwater wetlands
 - 7) Fringes of water bodies or watercourses.
- c. Access Standards

Site plan approval shall be conditional upon the applicant obtaining any necessary highway work permits from the jurisdictional permitting authority, eg. state, county, or town highway departments. In addition, the following access requirements shall apply:

- 1) Access drives shall be constructed and maintained so as to provide for year-round access.
- 2) In cases where sites have frontage on more than one road, the principal point of access shall be from the more secondary road wherever feasible.
- 3) There shall be a minimum distance of thirty-five (35) feet between proposed and existing driveways on public roads.
- 4) Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
- 5) There shall be a maximum of two (2) driveway entrances per developed lot.
- 6) No driveway centerline shall intersect a road less than seventy (70) feet from the intersection of any two (2) roadways.
- 7) Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- 8) The minimum maintained width of driveways shall be eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.

ARTICLE F. LOT DEVELOPMENT STANDARDS

1. Sewer and Water

General

No site development plan for any use shall be approved unless adequate provision is made for wastewater treatment and for clean potable water supply, as required for the use. The following standards must be met:

- a. All site development plans relating to water supply and wastewater treatment shall comply with applicable Health Department and state Department of Environmental Conservation standards.
- b. Where applicable, sewer system permits are required prior to issuance of the building permit for any site development.

2. Traffic and On-Site Circulation

a. General

- 1) Additional traffic generated together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
- 2) Where additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic

improvements as a condition of site plan approval, or to reduce the size or density of the proposed development

3) On-site circulation shall be designed to limit traffic hazards and to avoid conflicts between vehicles and pedestrians.

4) In order to minimize turning movements onto or from public roadways, the Planning Board shall encourage the interconnection of parking areas via access drives within and between adjacent commercial uses. Site plans should demonstrate a layout which would permit future connections, if appropriate.

5) The minimum turning radius for all traffic circulation shall be thirty (30) feet

6) The Planning Board shall require striping or other markings to facilitate on-site circulation and separate individual parking spaces, loading areas, pedestrian walkways, and entrances and exits in parking areas of six (6) spaces or more.

b. Pedestrian Circulation Systems

1) Where deemed necessary and appropriate, sidewalks may be required by the Planning Board. Examples of facilities where sidewalks may be required include:

a. Multi-family residential developments

b. Institutional buildings (eg. schools)

c. Public Recreational facilities

d. Shopping Center

2) Sidewalks shall be concrete unless otherwise specified by the Planning Board

3) At the discretion of the Planning Board, sidewalks shall be constructed and placed parallel to roadway(s). In such cases, a separation distance of five (5) feet shall be maintained between the roadway(s) and the pedestrian pathway(s) wherever possible.

4) Walkways shall be clearly identified within parking areas and for public roadway crossings with striping as necessary.

c. Private Road Standards

1) A private access drive longer than five hundred (500) feet shall be classified, for the purpose of this local law, as a private road.

2) All private roads shall be constructed to town standards where they exist; otherwise, they shall be constructed so that in the opinion of the Planning Board they will provide for safe vehicular travel.

3) Where two or more properties share a common private road for access, the Planning Board may recommend that the landowners to enter into maintenance agreement to provide for snow removal and general road upkeep. Such an agreement shall be approved by the Town Attorney.

4) Private and dead-end roads shall have a circular turn-around at their terminus with an outside diameter of at least one hundred (100) feet.

5) Private roads shall not exceed a ten percent (10%) grade unless town standards provide otherwise.

3. Off-Street Parking and Loading

a. General

Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right-of-way and in such manner as to afford safe pedestrian access to buildings without traversing a traveled right-of-way.

b. Off-Street Parking

1) The minimum number of off-street parking spaces provided shall be as follows:

<u>Use</u>	<u>Minimum Off-Street Parking Spaces</u>
Multi-family residential	2 for each dwelling unit, dwellings, townhouses, and plus 1 additional for each condominiums 3 dwelling units.
Home Occupation	2 spaces for the residential use, plus 1 space per each 200 sq. ft. of floor space of the home occupation
Place of worship, theater, athletic field, other places of assembly	1 for each 4 seats or pew auditorium, in places without seats, 1 for each 100 sq. ft. of floor space used for public assembly; 1 per 3 theater seats
Alternate care facilities hospitals and nursing homes	1 per 1.5 beds for hospitals; per 3 beds for alternate care facilities, plus one space for each estimated employee
Golf course, bowling alley	2 for each tee or alley
Centers of public amusement	1 per 200 sq. ft. of floor space

Industrial areas and research and development laboratories	1 per 300 square feet
Retail or service business, less than 25,000 sq. ft.	1 for each 150 sq. ft. of gross floor area
Retail uses or commercial center greater than 25,000 square feet	1 for each 250 sq. ft.
Restaurant	1 for each 2 seats
Professional Office	1 for each 300 sq. ft. of gross floor area.
Bank	1 for each 200 ft. of gross floor area, plus 3 temporary waiting spaces of 15 ft. each for each drive up window
Hotel/motel/inn, bed and	1 for each guest sleeping breakfast room, plus 1 for each 1.5 employees
Funeral home	1 space per 5 auditorium seats
Animal hospital or veterinary	1 per 400 sq. ft. of gross office floor area
Gasoline filling stations and establishments	2 spaces per service bay motor vehicle repair

2) Where two (2) or more different uses occur on a single lot, the total amount of parking shall be the sum of the requirements for each individual use.

3) All required off-street parking spaces shall be used solely to park motor vehicles by residents, visitors, patrons or employees. There shall be no sale, repair, or storage of vehicles within off-street parking areas.

4) Reasonable and appropriate off-street parking requirements for structures and land uses that do not fall within the categories listed shall be determined in each case by the Planning Board

5) Adequate parking for handicapped persons shall be provided.

6) The Planning Board may require more or allow less parking in situations where the flexible application of these standards is appropriate.

7) Size of Parking Spaces

(a) Each parking space shall be at least nine (9) feet wide and sixteen (16) feet long.

(b) Handicapped parking spaces shall be at least thirteen (13) feet wide.

8) To the greatest extent possible, parking areas shall be located in such a way as to minimize visibility from roadways and adjacent properties. Landscaping shall minimize any negative visual effect

9) Parking areas of six (6) cars or more shall be crushed stone, blacktop, or other appropriate surface

10) The maximum finished grade for parking areas shall not exceed three percent (3%)

11) All parking facilities shall be maintained throughout the duration of its use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands.

c. Off-Street Loading Requirements

Off-street loading and unloading facilities shall be provided for commercial or industrial uses of greater than six thousand (6000) sq. ft. as follows:

1) For retail service, or office businesses of six thousand (6000) square feet, or more; a minimum of one space for the first six thousand (6000) square feet, plus one space for each additional ten thousand (10,000) square feet of gross floor area

2) For wholesale business, industry, storage, or warehouses where applicable, a minimum of one space for each establishment, plus one space for each additional eight thousand (8,000) square feet of gross floor area

3) Each off-street loading space shall be designed to accommodate the anticipated delivery vehicles exclusive of access and turning areas.

4) Any loading dock facing a road front shall be sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic

4. Flood Hazard Areas

a. General

Construction in those areas designated on Flood Insurance Rate Maps as areas of special flood hazard, as defined by the 100 year floodplain boundary, shall be avoided or minimized. Disturbed areas shall be properly stabilized to prevent future damage from storms, heavy runoff and flooding. No on-site sewerage disposal systems shall be placed within the 100 year floodplain. Wells may be located within 100 year flood boundary subject to the authority having jurisdiction.

b. Structures or Disturbances

Structures or disturbance within the 100 year flood boundary shall conform with the following standards:

- 1) Any obstruction of floodwater, as well as any increase in potential for flooding on other properties, is prohibited.
- 2) New development shall not result in a rise in flood elevations on or off the site, either upstream or downstream.
- 3) Finished grade of the lowest habitable floor of a structure shall be at least one foot above base flood elevation.
- 4) No lakes, ponds, or natural areas which detain natural drainage flows shall be filled without approval from the appropriate permitting agency.
- 5) All structures shall be flood proofed and securely anchored unless otherwise exempted.

5. Freshwater Wetlands

a. General

Applicants for building permits that affect areas regulated by the NYS Dept. of Environmental Conservation (DEC) as freshwater wetlands shall comply with Article 24 and Title 23 of Article 71, Environmental Conservation Law. Freshwater wetland boundaries shall be flagged on the site by the DEC. The wetland boundary and a 100 foot protective buffer shall be indicated on site plans for properties with such wetlands. The plan shall bear the signature of the DEC officer responsible for the field flagging.

b. Minimum standards

The following minimum standards shall apply on sites with DEC regulated wetlands:

- 1) No construction within the wetland or 100 foot buffer.
- 2) Any disturbance shall require a DEC designated wetland disturbance permit.
- 3) No sewage disposal systems shall be located within the freshwater wetland boundary or the 100 foot buffer zone.

6. Protection of Streams and Other Waterbodies

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without review as to the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and approval of such alteration shall be made by the Planning Board in consultation with the Soil Conservation Service and the DEC. Where the applicant must obtain a stream disturbance or discharge permit from the DEC, Planning Board approval shall be conditional on the DEC's permit approval.

7. Drainage, Grading, Erosion and Siltation

a. General

Development on sites with steep slopes (grades of fifteen percent (15%) or greater), streams, wet areas and wetlands, and soils subject to erosion and high runoff volume, shall be minimized wherever possible. Disturbance of any such areas shall be stabilized and reclaimed as much as possible during and after construction.

b. Purpose

The purpose of drainage, erosion and siltation control measures are:

- 1) To guide drainage and prevent increases in runoff on and off the site.
- 2) To prevent destruction and loss of soils on and off the site from increased runoff.
- 3) To prevent siltation of waterbodies, watercourses and wet areas on and off the site and subsequent harm to or loss of aquatic plant and animal life.

c. Runoff Control

The Planning Board shall require the developer to provide a Storm Runoff Control Plan where site conditions warrant the preparation of such a plan. It shall be based on adequate topographic surveys, soils investigations and runoff projections. To the maximum extent possible, the following standards shall apply:

- 1) The natural drainage patterns on and off-site shall be used in their present state to the degree possible, and protected disturbance.
- 2) Stormwater runoff shall be directed away from impervious surfaces and toward absorbent ground area.
- 3) The plan shall minimize blockage, collapse or washout, street drainage, or other hazards associated with drainage and spring runoff conditions.

4) Connection shall be made to existing stormwater runoff drainage systems, where feasible.

d. Scheduling and Phasing of Control Measures

The following criteria shall be used in planning stormwater runoff plans:

1) Control measures shall be designed for up to a 25-year frequency, 24-hour storm so that runoff flows will be released to adequate stable channels at a rate not to exceed conditions prior to soil disturbance.

2) Plans shall include estimated peak rates and volumes of runoff.

e. Drainage Easements

Drainage easements to the Town of Otego for purposes of entering the property to monitor and maintain stream flow conditions through the project site shall be provided by the applicant and identified on the site plan. Notwithstanding such easements, a note shall be included on each site plan that "All stormwater drainage system appurtenances and retention areas shall be maintained in a fully functional and safe condition by the owner".

f. Grading

Grading shall be minimized to the extent possible on sites with slopes over fifteen percent (15%), streams, wet areas and wetlands, and soils subject to erosion and high runoff volume. There shall be no grading permitted on slopes greater than twenty-five percent (25%) without Planning Board approval.

1) A Land Grading Plan shall be prepared for all construction and development sites that involve grading. The plan should show grading proposed for both during and after construction.

2) The grading plan shall be based upon adequate topographic surveys and investigations, information about soil type, depth, properties and slope. Such plans shall show the location, slope, cut, fill and finish elevation of the surfaces to be graded. The finish elevation of the surfaces to be graded. The plan shall also show the proposed methods for the disposal of runoff water, slope stabilization, erosion control and drainage. The location of facilities such as waterways, ditches, diversions, grade stabilization structures, retaining walls and subsurface drains shall also be shown with reference to the Storm Runoff Control Plan .

3) The Land Grading Plan shall be based upon the following minimum criteria:

(a) The cut face of earth excavations and fills shall be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance. Generally a 3:1 slope should be used unless specific engineering data shows a steeper slope is stable. For erosion control and maintenance, 3:1 slopes or less are desirable.

(b) No excavation and filling operations shall effect adjoining property.

(c) Land to be cut or filled should be cleared of trees, stumps, roots, brush, boulders, sod and debris.

(d) Fill material should be free of sod, roots, frozen soil, or other decomposable material.

(e) The permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement.

8. Landscaping

a. General

All portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with planting of trees and shrubbery. Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering and generally seek to blend the proposed use with the character of the Town.

b. Landscaping standards

The following landscaping standards shall be met:

- 1) Landscaping shall be appropriate to the project and the natural vegetation cover shall be maintained where possible, to the extent that alterations in the site plan may be required.
- 2) A Landscape Plan shall include plant selection suitable for the specific site. Native species of plants shall be included in the plan whenever possible.
- 3) Healthy trees with diameters of twelve (12) inches or greater measured at chest height shall be marked on the plan and preserved to the extent possible.
- 4) Pedestrian pathways shall be covered with crushed stone, bark, gravel, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
- 5) Construction practice and planting specifications should follow ANSI Z60.1 American Standards for Nursery Stock.
- 6) Maintenance of Natural Landscaping - Wherever possible, natural vegetation shall be maintained by appropriate construction practices and site layout.

7) Maintenance - All planting shown on an approved landscape or site landscape or development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the plan's specifications.

c. Screening/Buffering

A landscaped area may be required to screen and protect neighboring residential properties and passing motorists from the view of facilities, building, and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

1) Unless waived by the Planning Board, a minimum permanent vegetated buffer of a width of ten (10) feet shall separate non-residential uses from adjacent residential properties, or from the street. Plantings shall be indicated on the site plan and shall meet the following standards:

(a) Plant materials shall be a minimum of four (4) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, plants/trees shall be spaced apart at distances no greater than ten (10) feet on center.

(b) Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board, may be substituted for the required planting.

2) Modifications. Where the existing topography and/or landscaping, provides adequate screening, the Planning Board may modify the planting and/or buffer area requirement.

9. Signs

a. General

A sign shall be permitted to advertise non-residential uses on site. Signs shall be of such design and construction so as to convey information with clarity and without disruption to the character of the community. Such signs shall conform to the following general design principles.

1) The lowest point of any hanging sign in a pedestrian circulation area should be at least seven and one-half (7 1/2) feet above the ground.

2) Signs should be a subordinate part of the local landscape and as small as practicable.

- 3) Signs should have a minimum of information in order to avoid clutter and confusion.
- 4) Whenever feasible, multiple signs should be combined into one to avoid clutter.
- 5) Signs which have dark background colors and light letters are preferred in order to minimize the apparent size of signs within the local landscape.
- 6) The source of illumination for any sign shall not be visible from any street, sidewalk or any other lot.
- 7) No sign shall be located so as to project into the public right-of-way or to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilating system or fire escape or to cause any other hazard to public safety.

b. Exempt Signs

The following signs shall be exempt from requirements of this section:

- 1) Memorial or historical signs, names of buildings and dates of erection when cut or cast into any masonry, bronze, stainless steel or similar permanent material.
- 2) Traffic or other municipal signs.
- 3) Legal notices or such temporary, emergency, or non- advertising signs as may be authorized by the Town Board.
- 4) A farm produce sign not exceeding six (6) square feet.
- 5) Temporary non-illuminated signs on the premises for up to one year for the following purposes:
 - (a) Real estate "For Sale" or "For Rent" signs not exceeding six (6) square feet and located on the front wall of the building or if freestanding, not nearer than ten (10) feet to any roadway edge or property line.
 - (b) Signs which announce anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a building or site under construction should not exceed twenty (20) square feet in area. Such sign shall be a minimum of ten (10) feet from a roadway edge on the subject property.
- 6) Temporary off-premises directional signs for the convenience of the general public not exceeding two (2) square feet in area.

7) Signs or bulletin boards customarily incidental to places of worship, libraries or museums, erected on the premises for purposes of displaying temporary public information notices, not exceeding fifteen (15) square feet in area.

c. Prohibitions

The following signs shall be prohibited unless otherwise exempted by the Planning Board:

- 1) Except for holiday seasons, grand openings or other special or temporary events, not to exceed thirty (30) days, no sign shall include or consist of pennants, ribbons, streamers, spinners or other moving, fluttering or revolving devices.
- 2) No sign shall contain flashing lights.
- 3) No revolving, moving or animated signs shall be permitted.
- 4) No permanent sign shall be erected on utility poles, trees or other natural features of the site intended for other uses.
- 5) No advertising billboards shall be allowed on-site for a proposed use.
- 6) No temporary, movable signs, except for holiday seasons, grand openings, and other special events, not to exceed sixty (60) days, shall be allowed.

d. Freestanding Signs

All freestanding signs shall comply with the following standards:

- 1) Only one freestanding sign, which may be double faced, shall be permitted for the primary frontage of a property on a public street. Not more than one freestanding sign shall be permitted for each business structure regardless of the number of stores housed therein.
- 2) All signs should be erected a minimum of fifteen (15) feet from any roadway edge.
- 3) The maximum height for freestanding signs, unless otherwise indicated, shall be fifteen (15) feet.

e. Building Signs

Signs attached to a building shall conform to the following standards:

- 1) The maximum area shall be equal to the width of the building front times one foot, but in no case shall the sign area exceed ten percent (10%) of the building face area.
- 2) Signs shall not project above the highest point along the face of the building.
- 3) Iconic signs, such as barber poles, eye glasses, etc., which are traditional in appearance and size should not extend more than four (4) feet from a building wall - nor occupy a space of more than fifteen (15) square feet when viewed from any angle.
- 4) One sign not exceeding four (4) square feet in area may be hung under a roof overhang perpendicular to each store front in a shopping center.
- 5) Directional signs for pedestrian and traffic control should not exceed four (4) square feet in area each.

10. Utilities/Lighting

- a. In all multi-family residential developments of twenty (20) units or more, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, electricity, gas and wiring for street lights.
- b. Reasonable provision shall be made for extension of utilities to adjoining properties, including installation of water gates and manholes if necessary, and the granting and recording of easements as required.
- c. Lighting. Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting shall conform to the following standards:
 - 1) Lighting fixtures shall be a type approved by the Planning Board.
 - 2) All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.
 - 3) The style of the light and light standard should be consistent with the architectural style of the building.
 - 4) The maximum height of freestanding lights should not exceed twenty (20) feet.

5) The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed, unless the Planning Board determines in certain situations that this requirement is unfeasible.

11. Solid Waste Disposal

- a. Provision for safe and sanitary storage and disposal of anticipated solid and process waste shall be shown and/or described on the site plan.
- b. Waste containers shall be effectively screened from public view and view from adjacent properties.

ARTICLE G. STANDARDS FOR SPECIFIC USES

1. Home Occupations and General Business Uses

The following standards shall apply to home occupations as well as to non-highway commercial business uses:

- a. Home occupations must be incidental to the use of the dwelling unit for residential purposes.
- b. The residential property where a home occupation is to occur must be owner-occupied.
- c. No more than thirty percent (30) of the total floor area (heated, habitable space) of the dwelling unit may be used for home occupation purposes.
- d. Unaltered, existing accessory structures may be used for home occupation purposes.
- e. One unanimated, non-illuminated sign of not more than four (4) sq. feet shall be allowed. There shall be no other exterior evidence of the home occupation such as for display or storage purposes or such that the exterior of the work area is altered in any way.
- f. No offensive noise, vibration, dust or odor, heat or glare shall be produced.
- g. Business operating hours should be set so as not to adversely affect adjacent uses.
- h. Adequate off-street parking must be provided. At a minimum, there shall be two (2) spaces for the residential use, plus one space for each two hundred (200) sq. feet of floor space of the home occupation.
- I Parking areas of six (6) cars or more shall have crushed stone, blacktop or other aggregate surface and shall be appropriately landscaped to provide screening from adjacent properties.
- j. Off-street parking and loading shall accomodate access and egress of any supply or service vehicles to the home occupation without obstructing traffic.

2. Junkyards (see LL#1 of 2001)

- a. Buffering from noise and dust, and screening from visibility shall be provided by a continuous solid border of wood, dense evergreen planting, or hedgerow (see Junkyard Ordinance). The height of the border buffering or screening shall be not less than eight (8) feet and shall take into consideratin the topography of the site

area.

- b. No material shall be stacked, piled or stored above the height of the screening or buffering, planting, or fencing, nor shall material be visible through such border without Planning Board approval.
- c. Access drives shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include: oil and stone, compact gravel, or blacktop.
- d. All material stored shall be a minimum of twenty-five (25) feet from any roadway edge and fifty (50) feet from adjoining property line.
- e. There shall be a minimum separation of two hundred and fifty (250) feet between the outer edge of the junkyard and any well or waterway on the same or neighboring property. A five hundred (500) foot separation distance is required where the junkyard is located up-gradient of any well.
- f. No material shall be stored on slopes greater than fifteen percent (15%) or on floodplain.
- g. There shall be no on-site disposal of waste oil or any other petroleum or chemical products, nor the on-site storage of used or discarded batteries.

3. Highway Commercial

Property to be developed as a highway commercial use shall be developed in accordance with the following minimum standards:

- a. Total property coverage of impervious surface shall not be greater than eighty percent (80%)
- b. Access, off-street parking and on-site circulation shall be provided such that:
 - 1) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 2) Adequate off-street parking must be provided which shall comply with Article F Section 3.
 - 3) Minimum dimensions of parking spaces shall be nine (9) by sixteen (16) feet.
 - 4) Curbing may be required along frontage to delineate access points.
 - 5) Maximum grade of access drives shall be eight percent (8%), and three percent (3%) for parking areas.

6) Parking areas for six (6) cars or more shall have crushed stone, blacktop, or other appropriate surface.

7) Stacking lanes should be required for all uses that involve drive-up customer services such as bank window tellers, fast food restaurants, car wash bays, etc. to avoid any stacking of vehicles in public right-of- ways.

8) Where possible, parking areas should be located to the sides or rear of the business.

9) The Planning Board shall require the applicant to provide an appropriate number of handicapped parking spaces, as per the Americans with Disabilities Act.

c. Traffic considerations:

1) The site development plan shall assure that additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.

2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

d. Signs

1) One 2-sided, freestanding sign shall be allowed per individual business contained in a single detached building. The face of the building may include a sign as defined in Article F Section 9.

2) Freestanding signs shall conform to the following design standards:

(a) Area of each side is not to exceed twenty-four (24) sq. feet.

(b) Height from base elevation is to exceed fifteen (15) feet.

(c) Minimum setback of fifteen (15) feet from any roadway edge.

e. All exterior lighting shall be of such type and location for the specific use with minimum or no noticeable effects on neighboring properties. Shading shall be provided to prevent the light source from being seen beyond the boundaries of the lot upon which it is located.

f. Adequate provision shall be made for sewage treatment, water supply, and solid waste disposal.

- g. Development shall be in accordance with the environmental considerations as outlined in Article F Sections 1 and 4 thru 8 (inclusive).
- h. At a minimum, the following landscaping and buffering standards shall apply:
 - 1) Retention of existing vegetation and trees to the greatest extent possible.
 - 2) Along a property line facing a residential property, a ten (10) foot wide buffer strip of evergreen planting shall be provided to effectively screen the commercial use from view.
 - 3) Along road frontage, a ten (10) foot wide, landscaped buffer shall be provided where feasible. Such buffer shall be designed so as not to obstruct sight distance at the road access.

4. Shopping Centers (including mini-malls)

Shopping centers shall comply with the following minimum standards:

- a. Total property coverage of impervious surface shall not be greater than eighty percent (80%).
- b. Access, on-site circulation, off-street parking and loading shall be provided such that:
 - 1) Parking and traffic circulation should include appropriate signs and striping to direct traffic on and off-site.
 - 2) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 3) Parking shall be designed to comply with Article F, Section 3.
 - 4) Internal landscaping shall be provided in parking lots containing twenty-five (25) spaces or more. One tree within the parking area shall be provided for each ten (10) parking spaces.
 - 5) Maximum grade of off-street parking shall be three percent (3%).
 - 6) Access points shall be limited to two (2) on the primary road frontage area inclusive of one-way access points for ingress and egress. One additional drive may be permitted on each secondary road frontage area of the lot.
 - 7) Where the principal highway serving the shopping center is at or near capacity, access should be encouraged onto a secondary highway.

- 8) Curbing shall be provided along frontage to delineate access points.
- 9) Access drives shall no exceed eight percent (8%) grade unless otherwise approved by the Planning Board.
- 10) An adequate number of parking spaces to accommodate handicapped persons shall be provided, as per the Americans with Disabilities Act.
- 11) Loading spaces shall be provided on site at the side or rear of building.

c. On-site circulation shall be designed to avoid conflict between vehicles and pedestrians for the various stores.

In addition:

- 1) Internal directional signs shall be provided as appropriate.
- 2) Areas adequate for snow storage shall be provided without interfering with required parking spaces.
- 3) Adequate lighting shall be required to provide for safe on-site circulation and for evening security purposes.

d. The site development plan should address traffic impacts and assure that:

- 1) Additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
- 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

e. One 2-sided, freestanding sign shall be allowed for shopping centers. The sign may contain the name of each tenant of the center. In addition, one identification sign (wall-mounted) shall be permitted on each building.

1) Freestanding signs should conform to the standards of Article F Section 9d.

(a) In no case shall a sign face exceed an area of seventy-five (75) square feet.

2) Identification signs (wall mounted) shall conform to standards of Article F Section 9c and:

(a) One sign not exceeding four (4) sq. feet in area may be hung under a roof overhand perpendicular to each store front in a shopping center.

- f. Directional signs for pedestrian and traffic control should not exceed four (4) sq. feet in area per each sign.
- g. The location of proposed dumpsters shall be indicated. Dumpsters shall be enclosed and screened where possible, and located where their use will not interfere with traffic circulation.
- h. Landscaping and screening/buffering requirements shall be provided as follows:
 - 1) Use of existing vegetation to the greatest extent possible.
 - 2) Along a property line facing a residential property, a ten (10) foot wide buffer strip of evergreen planting shall be provided to effectively screen the commercial use from view.
 - 3) Along road frontage a ten (10) foot wide buffer of landscaping shall be provided where feasible, but shall be designed not to obstruct sight distance at the road access.
- i. Drainage. A system of culverts, catch basins, diversion channels or other drainage structures shall be constructed to control storm runoff and prevent any increases in off-site flows. The design of grading, erosion and siltation controls shall be delineated in the Runoff Control Plan.
- j. Adequate provision shall be made for sewage treatment, water supply, and solid waste disposal.
- k. All exterior lighting shall be of such type and location for the specific use with minimal or no noticeable effects on neighboring properties. Shading shall be provided to prevent the light source from being seen beyond the boundaries of the lot upon which it is located.
- l. Development shall be in accordance with the environmental standards set forth in Article F Section 1 and 4 thru 8 (inclusive).

5. Multi-Family Dwellings

Standards for multi-family dwellings shall be as follows:

- a. The maximum impervious surface area coverage, excluding paved area for recreational facilities such as a basketball or tennis court or a pool, shall be fifty percent (50%).
- b. The maximum building area coverage shall be twenty five percent (25%)

- c. Construction on slopes or ridgelines shall be limited to thirty-five (35) feet in height and shall not break the natural tree line.
- d. Parking. Paved off-street parking areas shall comply with Article F3 and be provided as follows:
 - 1) On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
 - 2) Parking and traffic circulation should include appropriate signs and striping to direct traffic on and off-site.
 - 3) Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other apartment building(s).
- e. Buffer areas shall be used to separate the residential units from the recreational areas and to maintain natural areas between multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, and changes in grade.
- f. Landscaping and screening shall conform to the following minimum standards:
 - 1) Use of existing vegetation to the greatest extent possible.
 - 2) Along road frontage, a ten (10) foot wide, landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
 - 3) Units shall be sited for maximum preservation of mature trees (trees of twelve inches or more in diameter).
 - 4) Clear cutting of the site area is prohibited.
- g. Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following standards:
 - 1) All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.
 - 2) The maximum height of freestanding lights should not exceed twenty (20) feet.
 - 3) The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed.
- h. The Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, TV cable, electricity, gas, and wiring for streetlights. In multi-family residential development of three (3) buildings or more, such utilities shall be placed underground.

- I. Solid waste and recycling receptacles of adequate capacity shall be provided for the maximum number of residents. Receptacles shall be screened from view by fencing or landscaping and properly emptied to prevent odor and unsanitary conditions. The receptacle shall be designed to prevent loose litter.
- j. Drainage. A system of ditches, gutters, catchbasins or other drainage structures shall be constructed to control storm runoff and prevent any increases in offsite flows. The design of grading, erosion and siltation controls shall be delineated in the Runoff Control Plan.
- k. Development shall be in accordance with the environmental considerations set forth in Article F Section 1, and 4 thru 8 (inclusive):
- l. Snow storage areas shall be indicated on the site plan and shall not interfere with required parking or traffic circulation.
- m. There shall be adequate provision for fire fighting. The applicant shall provide a fire fighting plan to assure the required water quantity will be readily available, and that such water will be provided for fire fighting purposes.
- n. Central water and sewer systems shall be required and shall conform with applicable department of Health and/or State Dept. of Environmental Conservation standards.
- o. Internal Road System. Road standards for multi-family developments shall be in conformance with the following standards:
 - 1) A looped road system or a road network with two (2) separate access points shall be provided for development of more than three (3) multi-residential dwelling units.
 - 2) Internal circulation systems should be able to accommodate all service and emergency vehicles and should provide the year-round access.
 - 3) Private roads within a multi-family development shall not exceed an average grade of eight percent (8%). No section shall exceed a grade of ten percent (10%) unless town standards provide otherwise.
- p. The project's traffic impact on the roads that serve it shall be mitigated to the degree possible and shall be developed according to the following standards:
 - 1) The site development plan shall assure that additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
 - 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require

the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

- q. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs should conform to the following standards:
 - 1) No moving parts, flashing lights or exposed neon tubing shall be allowed.
 - 2) Maximum height for each two (2) sided, freestanding entrance sign, from base elevation, shall be no greater than six (6) feet.
 - 3) Maximum area of one side or face of a sign shall not exceed ten (10) square feet.
 - 4) All signs should be erected a minimum of ten (10) feet from any roadway edge.

6. Industrial Uses

Property to be developed for industrial uses shall be developed in accordance with the following standards:

- a. New development shall comply with the following maximum lot area coverage requirements:
 - Maximum lot coverage by buildings 25%
 - Maximum lot coverage by impervious surface 80%
 - Maximum lot area allowed for accessory 15% outdoor storage.
- b. Landscaping and screening shall be provided as follows:
 - 1) Existing vegetation shall be used to the greatest extent possible.
 - 2) Along a property line facing a residential property, a twenty (20) foot wide buffer strip of evergreen planting shall be provided to effectively screen the industrial use from view.
 - 3) Along road frontage a twenty (20) foot wide buffer of landscaping shall be provided where appropriate and designed so as not to obstruct sight distance at points of access.
- c. The site development plan should address traffic impacts and assure that:
 - 1) Additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.

- 2) In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Planning Board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.
- d. The following off-street loading standards shall be met by the applicant unless otherwise exempted by the Planning Board:
- 1) There shall be a minimum of one off-street loading space, plus one space for each additional eight thousand (8000) square feet of gross floor area.
 - 2) Each off-street loading space shall be at least fifteen (15) feet in width and at least thirty-five (35) feet in length, exclusive of access and turning areas.
 - 3) Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.
- e. Development shall be in accordance with the environmental considerations set forth in Article F, Section 1, and 4 thru 8 (inclusive):
- f. Minimal or no offensive noise, vibration, dust, odor, heat, or glare shall be felt on adjacent properties.
- g. No material shall be stored within a public road right-of-way or within twenty (20) feet of an adjacent property line.
- h. Access drives shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include oil and chip, compact gravel, or blacktop.
- i. All exterior lighting shall be of such type and location appropriate for the specific use with minimal or no noticeable effects on neighboring properties. Shading shall prevent the light source from being seen beyond the boundaries of the lot upon which it is located.

ARTICLE H. GUARANTEE OF SITE IMPROVEMENTS

1. General

Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

2. Performance Guarantee Options

In order that the town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Planning Board may require that the applicant enter into one of the following agreements with the town.

- a. Furnish a performance bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans. Such bond shall be 1) based on an estimate furnished by the applicant, 2) confirmed by the Building Inspector or Town Engineer, and 3) approved by the Planning Board.
- b. Deposit certified check or letter of credit in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.

3. Conditions

- a. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
- b. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
- c. Certified checks shall be made payable to the "Town of Otego" and will be placed in an escrow account established by the town for this purpose.

4. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the site plan. Road improvements shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Planning Board grant he or she an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

5. Schedule of Improvements

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvement in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the check deposit or performance bond.

6. Inspections

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk an inspection fee established by the Otego Town Board. Inspections during the installation of improvements shall be made by the Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvements is ready for inspection. Upon acceptable final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

7. Phased Development

The Planning Board may further request, subject to the Town Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Building Inspector.

ARTICLE I. ADMINISTRATION/ENFORCEMENT

1. Site Plan Compliance

No permit or certificate of occupancy shall be issued by the Building Inspector, except upon authorization by and in conformity with an approved site plan where required.

2. Building Inspector

The Town Board shall appoint a Building Inspector to carry out the duties assigned by this local law. 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.

3. Amendments

- a. 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.
- b. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendations. 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.

4. Further Rules and Regulations

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

5. Enforcement

- a. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$350 or by imprisonment not exceeding 180 days, or by both such fine and/or imprisonment in accordance with section 268 of Town Law. Each week an offense is continued shall be deemed a separate violation of this local law.
- b. In addition to the penalties provided above, the Planning Board, Building Inspector, or Town Board, may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.

6 Appeals

Any person aggrieved by any decision of the Planning Board, Building Inspector, or any other officer, department, or board of the town involved with the administration and enforcement of this local law, 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 Town Clerk.

7. Waivers

The Planning Board may waive, subject to appropriate conditions, the provisions of any or all standards herein set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Planning Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents.

8. Severability

The provisions of this local law are severable. If any article, section, paragraph, or provision of this local law shall be ruled invalid, such invalidity shall apply only to the article, section, paragraph, or provision(s) as judged invalid, and the rest of this local law shall remain valid and effective

9. Conflict with Other Laws

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, the more restrictive shall apply.

10. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.