

## Application for Site Development Plan Approval

Preliminary  Date: \_\_\_\_\_ Final  Date: \_\_\_\_\_  
(Check appropriate box)

Name of proposed development \_\_\_\_\_

**Applicant:**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**Plans prepared by:**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

**Owner (if different):** (If more than one owner, provide information for each)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_

Ownership status, i.e., purchase options \_\_\_\_\_

Location of site \_\_\_\_\_

Tax map description \_\_\_\_\_  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

State and federal permits needed (list type and appropriate department) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed use(s) of site \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total site area (square feet or acres) \_\_\_\_\_

Anticipated construction time \_\_\_\_\_

Will development be staged? \_\_\_\_\_

Current land use of site (agriculture, commercial, undeveloped, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Current condition of site (buildings, brush, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Character of surrounding lands (suburban, agriculture, wetlands, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated cost of proposed improvement \$ \_\_\_\_\_

Anticipated increase in number of residents, shoppers, employees, etc. (as applicable) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Site Development Plan Review Checklist

**Proposed Development:**

Name \_\_\_\_\_

**Applicant:**

Name \_\_\_\_\_  
Address \_\_\_\_\_

Telephone \_\_\_\_\_

**Procedural Sequence:**

Initial contact with enforcement officer

Sketch plan conference

Application

Fee paid: Amount \$ \_\_\_\_\_

Public hearing notice

Public hearing

Tentative action:

Approval \_\_\_\_\_

Approval with modifications \_\_\_\_\_

Disapproval \_\_\_\_\_

Resubmitted \_\_\_\_\_

Lapse date for final approval

Revised application

Referral

Comments returned

Final Action:

Approval \_\_\_\_\_

Approval with modifications \_\_\_\_\_

Conditions satisfied \_\_\_\_\_

Disapproval \_\_\_\_\_

Resubmitted \_\_\_\_\_

Building permit granted \_\_\_\_\_

**Date:**

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## Site Development Plan Review Checklist

Technical Considerations	<u>Item Satisfied</u>
1. Title of drawing, name & address	_____
2. North arrow, scale, date	_____
3. Property boundary, dimensions & angles	_____
4. Existing buildings	_____
5. Location & ownership id of adjacent lands	_____
6. Location, name & width of adjacent roads	_____
7. Easements and deed restrictions	_____
8. Grading & drainage plan	_____
9. Location, design, type of construction & proposed use of all buildings	_____
10. Location, design & type of construction of all parking and truck loading areas	_____
11. Pedestrian access	_____
12. Outdoor storage	_____
13. Site improvements—drains, culverts, etc. & NYCDEP stormwater mgt. plan, if applicable	_____
14. Sewage disposal & WW Treatment Allocation Permit	_____
15. Water facilities	_____
16. Fire & emergency zones, fire hydrants	_____
17. Energy distribution facilities	_____
18. Signs	_____
19. Buffer areas; existing vegetation	_____
20. Outdoor lighting facilities	_____
21. Retail sales or commercial activity	_____
22. Landscaping plan	_____
23. Project construction schedule	_____
24. Regulatory agency permits, NYCDEP, ACOE, NYSDEC, others	_____
25. SEQR: EAF or DEIS	_____

## Site Development Plan Review Checklist

### General Standards and Considerations

Land use, zoning, ownership and physical improvement of adjacent properties \_\_\_\_\_  
Conformity with comprehensive plan \_\_\_\_\_

#### Impact on environs:

Land use \_\_\_\_\_  
Transportation \_\_\_\_\_  
Community facilities and services \_\_\_\_\_  
Aesthetics \_\_\_\_\_  
Environmental, i.e., air, water, noise, etc. \_\_\_\_\_  
Energy conservation \_\_\_\_\_  
Historic preservation \_\_\_\_\_  
Environmental impact statement \_\_\_\_\_

Existing, on-site physical improvements \_\_\_\_\_

#### Existing natural features:

Geologic features \_\_\_\_\_  
Soil characteristics \_\_\_\_\_  
Topography \_\_\_\_\_  
Vegetation \_\_\_\_\_  
Hydrologic features \_\_\_\_\_

#### Proposed developments:

Grading and drainage plan \_\_\_\_\_  
Buildings and other structures \_\_\_\_\_  
Improvements such as parking, storage and recreation areas \_\_\_\_\_  
Vehicular and pedestrian ways including ingress and egress \_\_\_\_\_  
Utility lines and appurtenances \_\_\_\_\_  
Outdoor lighting and public address systems \_\_\_\_\_  
Outdoor signs \_\_\_\_\_  
Landscaping plans \_\_\_\_\_  
Architectural plans \_\_\_\_\_  
Materials specifications \_\_\_\_\_  
Construction schedule \_\_\_\_\_

# **TOWN OF PRATTSVILLE SITE PLAN REVIEW LAW**

## **LOCAL LAW #3 OF 2022**

### **Article I**

#### **Introductory Provisions**

**Section 1.01 Enactment.** The Town Board of the Town of Prattsville, Greene County, New York, does hereby ordain and enact the Town of Prattsville Site Plan Review Law pursuant to the authority and provisions of section 10 of the Municipal Home Rule Law and section 274-a of the Town Law.

**1.02. Short Title.** This local law shall be known as the ‘Town of Prattsville Site Plan Review Law.’ The Town of Prattsville is hereinafter referred to as the “town.” The Town of Prattsville Planning Board is hereinafter referred to as the “planning board.”

**1.03 Intent, Purpose, and Goals.** Through site plan review, it is the intent and purpose 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 and purpose of this local law to promote overall conservation, protection, preservation, development and use of the natural, scenic and man-related resources of the town by regulating land use activity within the town through review and approval of site plans. This local law and the associated standards, guidelines and requirements are intended to serve as a framework within which the applicant is free to exercise creativity, invention, and innovation while recognizing and seeking to protect the Town’s rural, scenic, and historic character and resources, consistent with the following goals:

1. All new commercial growth shall be consistent with the rural, scenic, and historic character of the Town Prattsville and incorporate desirable site design and architectural characteristics as guided by this local law.
2. The Hamlet of Prattsville shall remain a distinctive and attractive location and central to the Town’s cultural life and economy, and all new commercial development shall be consistent with existing development patterns through proper site design, development intensity, building orientation, and use of compatible architectural details and styles.
3. The Town’s scenic resources, historically-significant sites and structures, and other sensitive and vital resources, including, but not limited to Farm Operations located within a New York State Certified Agricultural District, the Prattsville Scenic Gateway, and the Pratt Rocks Scenic

Viewshed, merit enhanced protection through proper site design, development intensity, necessary screening, building orientation and use of compatible architectural details and styles.

**1.04 Authorization of planning board to review site plans.** The planning board is hereby authorized to review and approve or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

## Article II

### Applicability and definitions

**Section 2.01 Applicability of review requirements.** All new land use activities, or changes, alterations or expansions of existing land use within the Town of Prattsville, shall require site plan review and approval before being undertaken, except the following:

1. Construction of one- or two-family dwellings and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use subject to review under the provisions of this local law.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to an existing structure which would not change the use of said structure.
5. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
6. Signs under 10 square feet that are neither directly nor internally illuminated.
7. The sale of agricultural produce and temporary structures related to sale of agricultural produce.
8. Garage, lawn and porch sales not exceeding three (3) days. If such sales exceed three (3) days or take place more often than three (3) times in any calendar year, site plan approval is required.

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

**2.02 Effect on existing uses.** This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law.

### 2.03 Relationship of this law to other laws and regulations.

1. 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.
2. A Wastewater Treatment Allocation Permit must be obtained per the requirements of Section 1301 of the Sewer Use Law for all buildings to be connected to the wastewater treatment facility in addition to receiving site plan approval.

## **2.04 Definitions.**

“Family” means a person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

“Farm operation” shall mean a use consistent with New York State Agriculture and Markets Law and shall mean the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including but not limited to field crops, fruits, vegetables, horticultural specialties, livestock and livestock products, maple syrup, Christmas trees, aquaculture products, woody biomass, and apiary products; a farm operation also includes a “commercial equine operation,” a “commercial horse boarding operation,” and “timber operation,” and a “compost, mulch or other biomass crops” as defined in the New York State Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

“Formula business” shall be defined as a building materials store, auto parts store, furniture, furnishings and equipment stores, general retail store, grocery store, personal services, restaurants, and other similar business, which are required by contractual, or other arrangement or affiliation to maintain a standardized (“formula”) array of one or more of the following services and/or merchandise, menu, employee uniforms, décor, façade design, signage, color scheme, trademark or service mark, name, or similar standardized features, which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location at the time the application is deemed complete.

“Hamlet” means the area designated by the Town of Prattsville as hamlet area pursuant to the NYC Department of Environmental Protection (NYCDEP) Memorandum of Agreement, as amended from time to time.

“Historically-Significant Sites and Structures” means sites and structures listed on the State and/or National Registers of Historic Places or locally-significant sites or buildings as identified in the Town of Prattsville Comprehensive Plan or other applicable local planning documents.

“Land use activity” means any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. “Land use activity” shall explicitly include, but not be limited to, the following: new structures, expansion of existing

structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

“Pratt Rocks” means the rockface and surrounding lands owned by the NYCDEP and listed on the National Register of Historic Places.

“Pratt Rocks Scenic Viewshed” means views obtained from Pratt Rocks, as this term is defined herein, of real property specifically depicted within the boundaries identified in Figure 1 “Pratt Rocks Scenic Viewshed.”

“Prattsburg Scenic Gateway” means visually prominent open fields, hillsides, ridgelines, the Schoharie Creek, and surrounding environs within the Town of Prattsburg as viewed and extending no more than 1,000 feet from the centerline of NYS Rte. 23 between the trailhead parking lot for Pratt Rocks and the Town of Prattsburg municipal boundary with the Town of Lexington.

“One family dwelling” means 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.

“Structure” means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

“Structure, accessory” means any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free-standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

“Two family dwelling” means two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

## Article III

### Site Plan Review

**Section 3.01 Procedures – Generally.** Prior to undertaking any new land use activity except for a one- or two-family dwelling and other uses specifically exempted in section 2.01 of this local

law, a site plan approval by the planning board is required. Site plan approval is required prior to the issuance of a building permit. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Pursuant to section 7209 and 7307 of the New York State Education Law, the site plan shall be prepared by a landscape architect, architect, professional engineer or land surveyor licensed in the State of New York. Applicants must comply with all other procedures and requirements of this local law.

The Planning Board reserves the right, prior to issuance of final site plan approval, to require that application(s) be submitted to or approval be obtained from any other government agencies or authorities where such approvals might impact the site plan.

**3.02 Sketch Plan.** A sketch plan conference shall be held between the planning board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the planning board of their proposal prior to the preparation of a detailed site plan; and for the planning board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, 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, and NYCDEP regulations;
2. Summary descriptions, accompanied by preliminary sketches and/or photographic examples of all proposed structures and renovations demonstrating how the proposed project will be compatible with the Intent, Purpose, and Goals, standards, and other applicable requirements of this local law;
3. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
4. A topographic or contour map of adequate scale and detail to show site topography.

**3.03 Application Requirements.** An application for site plan approval shall be made in writing to the chair of the planning board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference.

*Site plan checklist:*

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing, along with the north arrow, scale and date.

2. Boundaries of the property plotted to a scale acceptable to the planning board.
3. Existing water courses, wetlands, FEMA floodplains, landscaping and vegetative cover.
4. Existing buildings.
5. Location and ownership identification of all adjacent lands as shown on the latest tax record.
6. Location, name, and width of existing adjacent roads.
7. 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.
8. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses.
9. Location, and a detailed description of the proposed project design, type of construction, proposed use and exterior dimensions of all buildings, accompanied by renderings and/or photo simulations of the entire proposed project, and architectural elevations at a scale of  $\frac{1}{4}$  inch equals one foot or similar scale acceptable to the planning board for all exterior facades of proposed structure(s) and/or project-associated alterations or expansions of existing facades, showing design features and indicating the type of materials and colors to be used, and demonstrating how the proposed project is compatible with the Intent, Purpose, Goals, standards, and other applicable requirements of this local law.
10. Location, design and type of construction of all parking and truck loading areas, showing all existing and proposed vehicular access and egress to and from the site and onto public streets.
11. All existing and proposed provisions for pedestrian and bicycle access.
12. Location of outdoor storage, if any.
13. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences. If applicable, applicant will submit approved NYCDEP stormwater management plan.
14. Description of the method of sewage disposal and location, design and construction materials. If the proposed building is to be connected to the wastewater treatment facility, the applicant shall attach an application for a Wastewater Treatment Allocation Permit per the requirements of the Town Sewer Use Law.
15. Description of the method of securing potable water and location, design and construction materials of such facilities.
16. Location of fire and other emergency zones, including the location of fire hydrants.
17. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
18. Location, size and design and type of construction of all proposed signs.

19. A detailed landscaping plan, depicting existing vegetation, vegetation to be preserved and removed, proposed vegetative screening, a planting schedule and plan to ensure viability, and where applicable, location and detail for vegetative berms and other techniques to facilitate compatibility with this local law and as required by the planning board. Native plantings are strongly preferred.
20. Location and design of outdoor lighting facilities.
21. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
22. An estimated project construction schedule.
23. Identification of any permits from other governmental bodies required for the project's execution, including NYCDEP, and the status of each.
24. Short or Full Environmental Assessment Form, at the discretion of the Planning Board, or a Draft Environmental Impact Statement, including such supplemental studies and/or information necessary to describe potential impacts of the project on the human and natural environment.
- 25 Pursuant to Article 16 of Town Law, any site plan application that involves property within an agricultural district containing a farm operation or property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural districts.
- 26 Any additional applicable information the Planning Board deems necessary in order to effectively enforce this local law.

**3.04 Required Fee.** An application for site plan review shall be accompanied by a fee in the amount of \$125.00.

**3.05 Reimbursable costs.**

1. Cost incurred by the planning board for consultation or review fees or other expenses in connection with the review of a proposed site plan shall be charged to the applicant and/or with the environmental review of the subject project. Such expenses shall be estimated by the planning board, and a deposit in the amount of such estimate shall be paid to the town and placed in an escrow account to be drawn upon by the planning board as expenses are incurred. Such estimate and deposit may be modified during the site plan review process, and the applicant may be required to place more funds at the disposal of the Town for this purpose. Such deposits shall be prerequisite to the commencement or continuance of the review of the applicant's project.
2. If any time during or after the processing of such application, there shall be insufficient monies on hand to the credit of such applicant to pay an engineer, planner, consultant or attorney

vouchers in full, or it shall reasonably appear to the Town that such monies will be insufficient to meet vouchers yet to be submitted, the Town shall cause the applicant to deposit such additional sums as the Town deems necessary or advisable to meet such professional consultant fees or expenses or anticipated fees or expenses.

3. In the event the applicant fails to deposit such funds or such additional funds, any further application review or action shall be suspended until such monies are deposited.

## Article IV

### Review and Design Standards

**Section 4.01 General standards and considerations.** Through incorporation of the following Review and Design Standards, all new development shall be compatible with the Purpose, Intent and Goals, and applicable requirements of this local law, and further avoid negative environmental impacts and negative visual impacts on the Town's rural, scenic, and historic character and resources, and historically-significant sites and structures.

1. General considerations. The planning board's review of the site plan shall include, as appropriate, but is not limited to the following general considerations:
  - a. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs. Buildings shall be situated parallel to and setback from the street consistent with existing adjacent buildings.
  - 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. Parking lots should contain no more than necessary to satisfy 85% of the anticipated peak parking demand. Curb cuts and interruptions of pedestrian space shall be kept to a minimum.
  - 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 stormwater and drainage facilities.
  - f. Adequacy of sewage disposal facilities:
    - (1) For buildings to be connected to the wastewater treatment facility, a valid Wastewater Treatment Allocation Permit per the Town Sewer Use Law must be obtained in addition to site plan approval;
    - (2) For buildings that will not be connected to the wastewater treatment facility, the applicant must demonstrate that soils are adequate for an on-site disposal system.
  - g. Adequacy of water supply, whether from public or private on-site sources.

- h. 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.
- i. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- j. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- k. Lighting shall conform to the following standards:
  - (1) Lighting fixtures shall be a type in compliance with existing state and local regulations.
  - (2) All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and to protect the surrounding community from the "halo effect."
  - (3) The style of the light and light standard shall be consistent with the architectural style of the building.
  - (4) The height of free-standing 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 unique situations that this requirement is not feasible.
- l. Where practical, all utilities for new construction shall be installed underground. Where practical, this requirement shall also apply to existing structures undergoing major reconstruction.
- m. Large expanses of paved surfaces shall be landscaped to soften visual impacts and provide shade areas.
- n. Trash and utility areas shall be screened through landscape design and/or decorative fences. Such uses shall be separated away from public entrances and public walkways.
- o. Signs of solid materials, generally painted wood or metal, with lights that shine on the sign will be consistent with the general atmosphere of the community. Directly or internally lighted signs may be approved at the discretion of the planning board that are compatible with the historic and rural nature of the Town subject to conditions to limit off site glare or intrusion onto neighboring properties or the road.
- p. Facilities shall not generate fumes or smoke that are obnoxious, unhealthy or interfere with surrounding land uses.

2. To protect and enhance the historic, scenic and cultural resources and ambiance of the hamlet of Prattsville and Main Street, the following standards and guidelines shall be followed, where practical:

- a. Historically-significant sites and structures visible from public rights-of-ways shall be protected from major alteration or removal in the process of redevelopment or rehabilitation.

- b. Buildings shall be constructed to be harmonious with the natural and built surroundings while avoiding repetition and monotony.
- c. Significant exterior historic features shall be retained.
- d. Building designs shall utilize materials that reflect the Town's historic, scenic and rural character, including, but not limited to cedar or clapboard siding, stone and brickwork or other comparable and non-reflective materials that achieve the same quality in appearance.
- e. Buildings shall correspond in height, width, proportion and relationship to the street, roof forms, composition, proportion of openings, materials and color to existing buildings along Main Street.
- f. The use of gabled roofs is strongly encouraged. Rooftop mechanical installations shall be appropriately screened.
- g. Walls facing Main Street and those visible from the Schoharie Creek shall be articulated through a combination of two or more of the following: windows, porches, dormers, porticoes, insets, or other interesting architectural elements.
- h. Colors used in the project design shall be non-fluorescent. Earth tones such as grays, browns, greens, and tans are strongly encouraged. All proposed color schemes shall be reviewed on their individual merit based upon building design, location, materials and visibility from historically-significant sites and structures, and other scenic resources.
- i. For projects proposed within the Pratt Rocks Scenic Viewshed (refer to Figure 1), the viewshed of the Prattsville Scenic Gateway (as defined herein), and/or the viewshed of other historically-significant sites or structures, the Planning Board shall have the authority to require the applicant to incorporate necessary site design, architectural features, colors, vegetative screening, earth berms, decorative fencing, and other design measures deemed necessary to avoid or mitigate potential negative visual impacts to the above-mentioned resources, the maximum extent practicable.
- k. All structures associated formula businesses shall be designed in a manner that is consistent with the design standards and guidelines detailed in this local law, and shall minimize the appearance of "formula" architecture, signage and other treatments, in favor of integrating existing community architectural and design features to preserve the Town's rural, scenic and historic character.
- l. Where feasible, parking should be located along the side or rear of the building rather than in front to reduce its visual effect.
- m. Parking should be shared between two or more uses that have their peak demand for parking at different times of the day or week, or whenever determined feasible to limit curb cuts and impervious surfaces.
- n. Signs of solid materials, generally painted wood or metal, with lights that shine on the sign will be consistent with the general atmosphere of the community. Directly or internally

lighted signs may be approved at the discretion of the Planning Board that are compatible with the historic and rural nature of the Town subject to conditions to limit off site glare or intrusion onto neighboring properties or the road.

- o. Refer to Figure 2: Commercial Building & Site Design Examples, for further guidance on desirable architectural elements, building and site design, and screening techniques.

**4.02 Consultant review.** The planning board may consult with the enforcement officer, the Town Board, other local and county officials and/or the Board's designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the USDA Natural Resources Conservation Service (NRCS), New York State Department of Transportation (NYSDOT), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH), New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), United States Army Corps of Engineers (ACOE), and the New York City Department of Environmental Protection (NYCDEP) to assist in the review of the site plan.

**4.03 Additional requirements.** If in the opinion of the Planning Board, projects could have traffic or visual impacts, the applicant shall submit, at their expense, traffic and visual impact analysis reports as follows. Costs for all reports, assessments, or plans required by the planning board shall be borne by the applicant. The planning board reserves the right to require additional studies and analyses it deems necessary to implement this local law.

1. Traffic impact analysis report. Traffic impact analysis reports shall be prepared by a qualified professional engineer, and, at a minimum, include the following information:
  - a. Internal traffic flow analysis.
  - b. Existing average daily traffic and peak hour levels.
  - c. Analysis of average daily traffic and peak hour levels resulting from the proposed project.
  - d. An analysis of existing and resulting intersection levels of service (LOS).
  - e. Directional vehicular flows resulting from the proposed project.
  - f. Identification of any pedestrian crossing issues or concerns.
  - g. The methodology and sources used to derive existing data and estimations.
2. Visual impact analysis report. The visual impact analysis report shall be prepared by a registered landscape architect or other qualified professional and at a minimum, shall include the following:
  - a. Visually illustrate and evaluate the relationship of all proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g., scale, materials, color, décor, and window size and locations, setbacks, roof and cornice lines and other major design elements).

- b. Pictorial representations of “before and after” (photo simulations) views from key viewpoints, including, but not limited to historically-significant sites and structures, and other scenic resources.
- c. An analysis of the visual impacts of the proposed facility on the identified resource(s).
- d. The applicant shall demonstrate and provide in writing and graphically how it shall effectively mitigate visual impacts on the identified resource(s).

## Article V

### Public hearing and planning board decision

**Section 5.01 Determination of a complete application.** The planning board shall not determine the site plan application as complete until all requested documentation is provided to the satisfactory of the planning board.

**5.02 Public Hearing.** The planning board shall conduct a public hearing on the site plan. Such hearing shall be held within 62 days of the receipt of the complete application for site plan approval and shall be advertised in the town’s official newspaper, or if there is none, in a newspaper of general circulation in the town at least five (5) days before the public hearing.

**5.03 Planning board action on the site plan.** Within 62 days of the close of said public hearing, the planning board shall render a decision. In its decision the planning board may approve, approve with modifications or disapprove the site plan. The time period in which the planning board must render its decision can be extended by mutual consent of the applicant and the planning board.

1. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
2. Approval with modifications. The planning board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the planning board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the revised site plan and shall immediately file it and a written statement of approval with the town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
3. Disapproval. Upon disapproval of the site plan the decision of the planning board shall immediately be filed with the town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the planning board's reasons for disapproval.

## Article VI

### Miscellaneous provisions.

**Section 6.01 Enforcement officer.** The town board may appoint an enforcement officer to carry out the duties assigned by this local law or any additional regulations adopted pursuant to section 7.02 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements including coordination with the planning board and other officials and agencies, as appropriate.

**6.02 Further regulations by planning board.** 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.

#### **6.03 Amendments.**

1. The town board may on its own motion, on petition, or on recommendation of the planning board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.
2. All proposed amendments originating by petition, or by motion of the town board, shall be referred to the planning board for a report and recommendation thereon. The planning board shall submit its report within forty-five (45) days after the planning board meeting at which such referral is received. Failure of the planning board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

**6.04 Integration of procedures.** Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the town, the planning board shall attempt to integrate, as appropriate, site plan review as required by this local law with the procedural and submission requirements for such other compliance. Site plan review procedures may be modified by the planning board and applicant as mutually agreed in order to facilitate review under such other local law, ordinance or requirement.

1. Referral to the County Planning Board. Prior to taking action on the site plan application, the planning board shall comply with § 239m of the General Municipal Law.
2. Compliance with the State Environmental Quality Review Act. The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal.

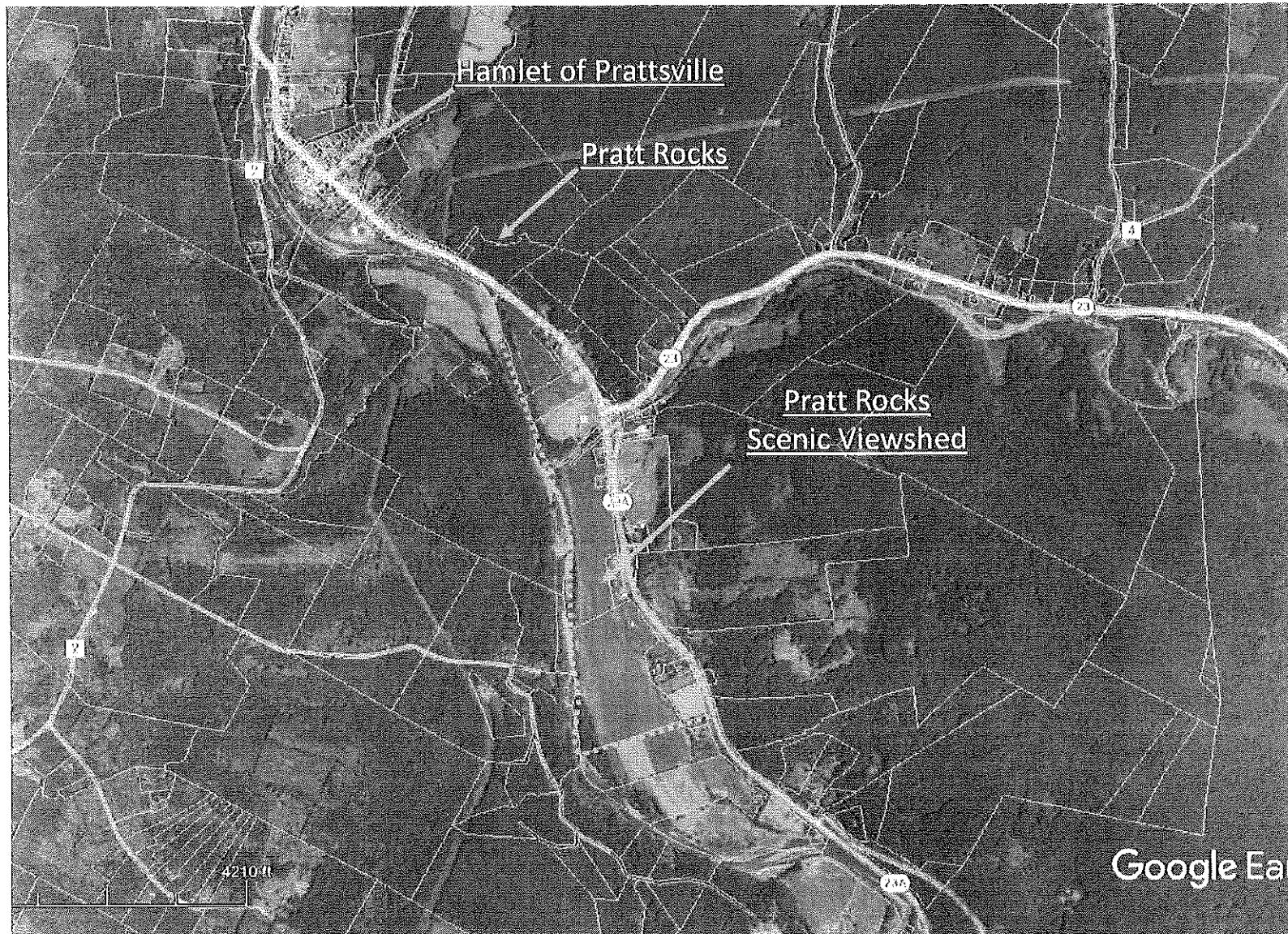
**6.05 Enforcement.** Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit pursuant hereto shall be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or by penalty of one thousand dollars (\$1,000) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week that such violation, disobedience, omission, neglect or refusal shall continue.

The Town is hereby authorized to seek injunctive relief requiring the cessation of any and all violation of this local law.

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

**6.07 Repealer.** This local law is intended to replace and repeal any prior version of the Prattsville of Town site plan review law.

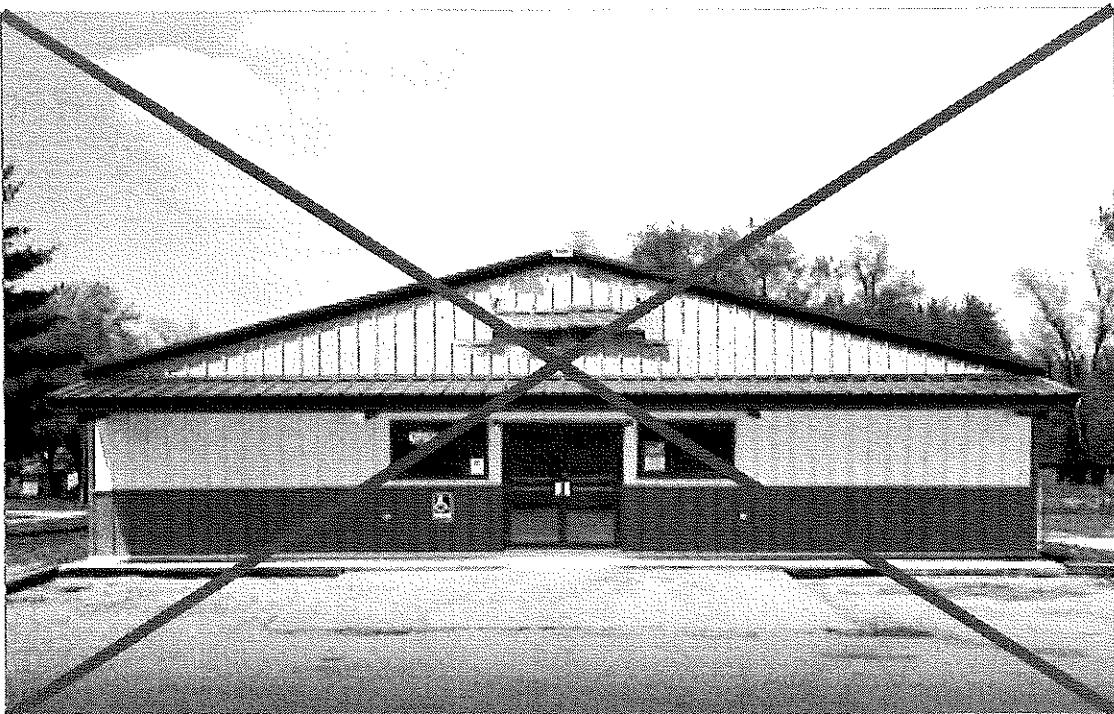
Figure 1: Pratt Rocks Scenic Viewshed



Town of Prattsville Site Plan Review Law

## **FIGURE 2: COMMERCIAL BUILDING & SITE DESIGN EXAMPLES**

### **PROHIBITED BUILDING DESIGNS**



**PROHIBITED**  
Lacking Interesting Architectural Elements and Landscaping



## **FIGURE 2: COMMERCIAL BUILDING & SITE DESIGN EXAMPLES**

### **PREFERRED ARCHITECTURAL CHARACTER**



Rustic Appearance, Earth-Tone Colors, Exposed Wood and Stone



Exposed Wood and Attractive Architecture Elements

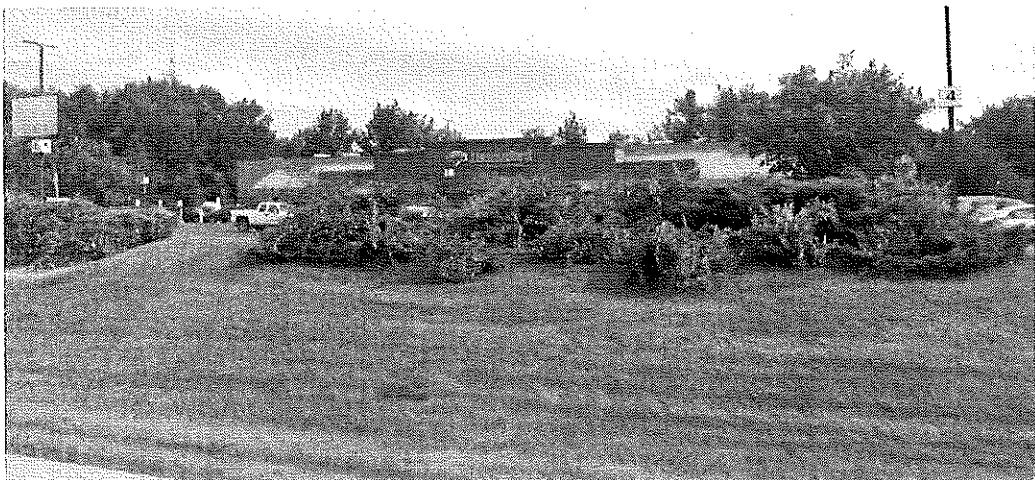
Alternative Franchise Architecture



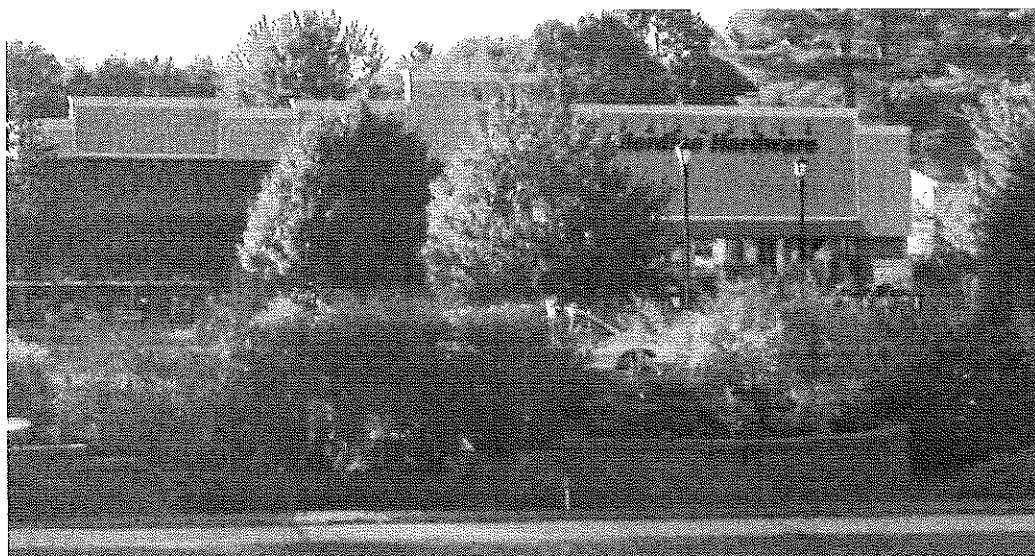
Modern Retail Design with Low Profile & Use of Earth-Tone Colors

## **FIGURE 2: COMMERCIAL BUILDING & SITE DESIGN EXAMPLES**

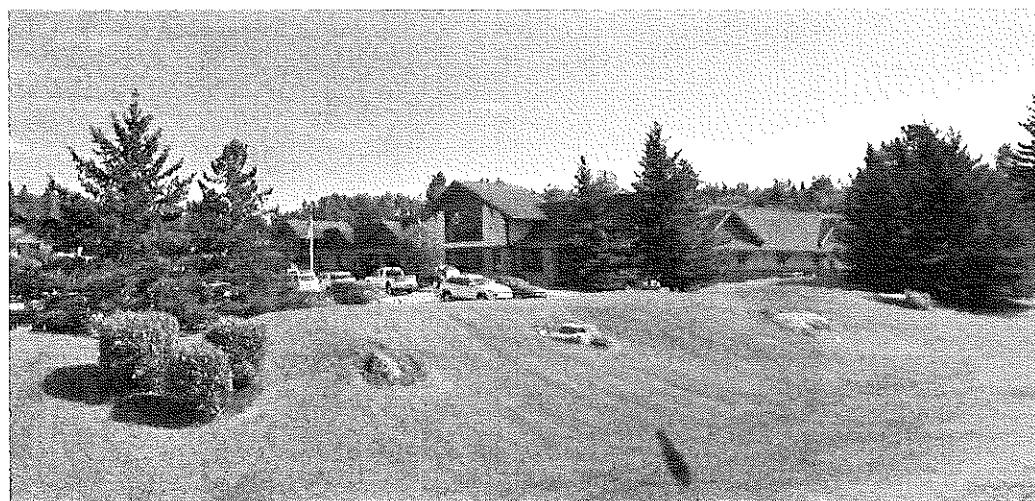
### **Recommended Landscape and Screening Examples**



**Use of Vegetative Berm to Provide Partial Screening**



**Use of Plantings & Decorative Wall**



**Use of Earth-Tone Colors and Vegetative Berm**