

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of

Granby

FILED
STATE RECORDS

APR 09 2021

DEPARTMENT OF STATE

Local Law No. 5 of the year 2021

A local law

Special Permit Site Plan Review
(Insert Title)
Procedures and Standards

Be it enacted by the

Town Board
(Name of Legislative Body)

of the

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of

Granby

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2021 of the (County)(City)(Town)(Village) of Granby was duly passed by the Town Board on March 24 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

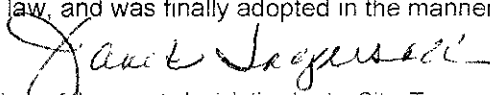
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: April 1, 2001

(Seal)

Town of Granby
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Definitions – Planning Board review of Special Permit and Site Plan Review are similar processes. To help understand the commonalities and distinguish the differences between the two procedures the following definitions are offered as a guide or may be included in the Definition section of the Zoning Code.

Special Permit - is a permit issued by the Town following review of a special permit application. This permit review provides oversight of land uses and structures that are explicitly permitted in a town zone district but due to their physical characters **and the nature of their associated land use activity and potential impacts** necessitate a higher level of design review and monitoring of land use impacts. **Special Permit** is conducted by a public board and is based on the requirements established by the Town Board in the Town Zoning Code.

Site Plan Review (the process) – is a process, required by the Town to review and provide oversight to land uses and structures that are explicitly permitted in a town zone district but due to their physical characters necessitate a higher level of design review and monitoring. Site Plan Review is conducted by the Planning Board and is based on the requirements established by the Town Board in the Town Zoning Code.

Site plan (the document) – A graphic map, plan or depiction **showing information about the entire property**, the affected portions of the property or all involved properties. A site plan (document) is a normally required document included in the submission with zoning processes (Special Permit, Site Plan Review, and Variance) It is usually based on the survey and drawn by design professionals (engineer, architect, landscape architect). It is drawn to specified scale, with measurable depictions of existing and proposed physical features existing on or proposed on the site. These features as determined by the Zoning Code or the requirements of the reviewing board may include structure dimensions, zoning setbacks, natural resources, and land characteristics (slopes, streams, vegetation), utilities (water, sanitary, drainage), and highway characteristics.

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C. Special Permits and Site Plan Reviews *(new text to be inserted as SECTION III: ADMINISTRATION new C. Special Permits and Site Plan Reviews (approximately on p.54 of existing zoning code))*

Purpose-intent – This section establishes the procedures and standards for the Town to conduct ***both*** Special Use Permit and Site Plan Reviews. In applicable sections of the Zoning Code the Town determines what under what conditions a project is subject to a Site Plan Review or a Special Permit. Site Plan Review of a project is an integral part of the review process for ***All*** Special Permits application. When appropriate this section sets forth additional and separate steps and criteria to address the unique aspects of a Special Permit application.

1. **Authority** – The Planning Board shall have the authority pursuant to NYS Town Law 274a (Site Plan Review) and 274b (Special Permit) to conduct and approve Site Plan Reviews and to issue Special Permits.
2. **COMMON REVIEW PROCEDURES** – applicable to **BOTH** Site Plan and Special Permit reviews unless stated otherwise.
 - a. **Preapplication meeting and workshop.** Before filing an application, a preliminary conference with the Codes Enforcement Office is advisable to discuss the nature of the project, to explain the application review process, and to facilitate the review of the submission to the Planning Board. A Sketch plan review with the Planning Board is then advisable, but optional, to discuss the nature of the project and to determine the extent and adequacy of information that should be included in a preliminary application.
 - b. **Filing of an application.** An official application for a Special Permit or Site Plan Review shall be submitted to the Codes Enforcement Office on forms provided by and in quantities prescribed by the Town and by the date established by the Town.
 - c. **Initial Planning Board review and Determination of Completeness.** After receipt of an application and during a public meeting session the Planning Board shall review the submitted application material for completeness for further Planning Board review. Pursuant to the submission requirements of Section C.3 below the Planning Board may specify or waive the scope of information to be included in an application. Upon determination of completeness the Board shall declare the application complete and proceed with the formal review of the application.
 - d. **Incomplete applications:** The Planning Board, at its discretion, may proceed with the formal review process on an application that it finds to be unclear, needs revisions, is generally inadequate or otherwise incomplete on the condition that additional or revised material will be provided to the Planning Board. Such updated application materials shall be provided by the applicant no later than a specified date prior to the commencement of the formal review meeting scheduled for the application. Alternatively, the Planning Board may choose not to schedule further Board reviews until the applicant properly

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completes and resubmits an application for consideration by the Planning Board at some future date.

- e. **Code Compliance Report** - No application will be accepted for review, pursuant to this chapter, for Special Permit or Site Plan Review in which the property in question is in violation of any Town Ordinances or Codes.
- f. **Application Review Fees and Costs** – The applicant shall pay application fees that are annually established by the Town. The applicant shall be responsible for any additional legal, engineering, and other professional services incurred by the Town during project review. The Codes Enforcement Office may request a deposit toward anticipated fees, to be applied toward actual services incurred.
- g. **Variances – coordination with Zoning Board of Appeals (ZBA)** The simultaneous review of a Special Permit or Site Plan Review application with an area Variance(s) for the same proposed development may occur and shall be coordinated by the reviewing boards.
 - 1) **Direct ZBA application** - Notwithstanding any provision of law to the contrary, if a proposal is found by the Planning Board to contain one or more features which do not comply with the dimensional requirements of the zoning code then an application for an area variance may be made directly to the Zoning Board of Appeals without a decision, denial of permit form, or determination by the Codes Enforcement Officer.
 - 2) **Coordination of reviews** - The ZBA may simultaneously review and decide on an area variance from zoning dimensional requirements if such area variance request is necessary. The Planning Board and ZBA will confer on a schedule of review and decide on the sequence of actions. The Planning Board shall withhold final action pending completion of the ZBA review and decision.
- h. **Referrals**
 - 1) **County referral** - The Planning Board shall refer to the Oswego County Planning Board any application for a Special Permit or Site Plan affecting real property within 500 feet of the Town boundary or any other boundary specified in NYS General Municipal Law, Article 12-B, §§ 239-l and 239-m or the boundary of a farm operation within an agricultural district as defined in Article 25-AA of the NYS Agriculture and Markets Law.
 - 2) **Other informal referrals** – the Town Planning Board may directly contact or have the applicant contact other government agencies that may have expertise, information or potential review authority that might affect the conduct of town Planning Board review of an application.
- i. **NYS State Environmental Quality Review Act (SEQR)** – After determination of a complete application but before any decision of approval or disapproval the Planning Board shall conduct the review process required by the NYS State Environmental Quality

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Review Act (SEQR). The Planning Board shall comply with the procedures and timetable of SEQR review established in NYS DEC regulations.

j. Public notices and hearings - The Town Planning Board shall conduct its actions pursuant to NYS Town Law.

- 1) **Public Notices** - the Planning Board shall give public notice of any Site Plan Review or Special Permit public hearing by publishing a notice of such review in the official newspaper and in the Town Website at least five days prior to the date thereof. The cost of giving such public notice shall be charged to the applicant. If the application is for property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the Clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.
- 2) **Mailed notices** - written notice shall be sent by certified mail to owners in adjoining properties within 150 feet of the property boundaries subject to Site Plan or Special Permit review.
- 3) **Public hearing - required** – All Special Permit application, except non-substantial or minor modifications are required to have public hearing conducted by the Planning Board.
- 4) **Public hearing, - optional** – Site Plan Review applications do not require a public hearing. However, the Planning Board may choose to conduct a public hearing on a Site Plan Review upon finding the proposal has potentially significant impacts upon the site or surrounding area and the Planning Board may benefit from additional information to be obtained during a public hearing.

k. Planning Board Action - The Planning Board shall grant, deny, or grant subject to conditions the application after conclusion of its review or, if applicable, the close of the public hearing.

- 1) **Conditions** - The Planning Board may impose reasonable conditions it considers necessary to satisfy the specific criteria for Special Permits or Site Plan Reviews. If the Planning Board's decision includes a requirement that modifications be incorporated in the design of the site plan, conformance with these modifications shall be considered a condition of approval.
- 2) **Filing** A copy of the decision shall be filed within five (5) days of board action in the Town Clerk's office and mailed to the applicant. A resolution granting of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chair to stamp and sign the site plan sheets upon the applicant's compliance with applicable conditions and the submission requirements stated herein.
- 3) **Expiration** – The approval for Special Permit or Site Plan Review shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the Special Permit or Site Plan approvals within 18 months of the Planning Board decision. At the reasonable discretion of the Planning Board this approval may be extended, prior to the expiration of the 18 months, for an additional 18 months.

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1. Modifications to Prior approved Site Plans or Special Permits - A previously approved Special Permit or Site Plan may be amended by filing an application with the Town Code Enforcement Officer or with Planning Board provided it complies with the following:

- 1) **Minor change:** The Planning Board in regular session may grant an amendment or modification to a previously approved Special Permit or Site Plan **without** a public hearing. The Planning Board must find that such amendment or modification is consistent with the broad terms of the prior approval and does not constitute a substantial change to the approved Special Permit or Site Plan.
- 2) **Major change:** The Planning Board in regular session may grant an amendment or modification to a previously approved Special Permit or Site Plan with standard public notice and **if applicable with a public hearing**. The Planning Board must find that such amendment or modification is beyond or is not consistent with the terms of the prior approval, that it constitutes a substantial change to the approved Special Permit or Site Plan and will comply to the applicable standards of the Zoning Code.

3. Submission Requirements for Special Permits and Major Site Plans. The original signed application and other required application materials shall be submitted in multiple copies as required by the Planning Board, at such time as required by the Planning Board. After its initial review, the Planning Board may:

- require other information upon finding that it is necessary for full understanding of the proposal; and/or
- waive submission of some of the information requirements upon finding that it is not necessary based upon the known project details and the scale and anticipated impact of the proposal.

a. Contents - The graphic plans (site, building and floor plans) with related application narrative materials to be submitted to the Planning Board shall include the following:

- 1) Name of the project, boundaries, date, North arrow, and scale of the plan.
- 2) Name and address of the owner of record, developer and seal of the engineer, architect, or landscape architect.
- 3) A vicinity map drawn at the scale of 2,000 feet to the inch that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc.
- 4) A site plan drawn at a scale of one (1) inch to 20, 30 or 40 feet or such other scale as the Planning Board may deem appropriate, on standard sheets 22 inches by 34 inches, with continuation on sheets 8 1/2 by 11 inches as necessary for written information, showing, in addition to the site, all properties, subdivisions, streets and easements within 200 feet of the property boundaries.
- 5) The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations. Building Elevations at an appropriate scale to adequately show all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features, and indicating materials to be used. When appropriate to explain the use of the site floor plans, occupancy- employee estimates, designated space for land use activities and estimated parking.

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- 6) The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
 - 7) The location, height, intensity, and type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.
 - 8) The location, height, size, materials, and design of all proposed signs.
 - 9) The location of all present and proposed utility systems including sanitary systems, water supply, storm drainage system including existing and proposed drain lines, culverts, catch basins, detention ponds and drainage swales. *Soil testing results may be required to confirm suitability of design or calculations.*
 - 10) Erosion and stormwater control measures to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
 - 11) Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Planning Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic benchmark. If any portion of the parcel is within the one-hundred-year Flood Hazard Area, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
 - 12) A landscape, planting and grading plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover and water sources and all proposed changes to these features. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.
 - 13) Zoning district boundaries within 200 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any overlay districts that apply to the property.
 - 14) Traffic flow patterns within the site, entrances and exits and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include number of estimated vehicle trips, existing traffic flow conditions, assessment of existing and projected traffic conditions on surrounding roads.
 - 15) *A schedule identifying the zoning district and how the existing conditions and proposed project compare to the applicable dimensional requirements.*
- b. **Status of Other Permits** a list shall be provided to the Planning Board that describes the status of all permits or approval applications to county, state, and federal agencies, or private entities with authority to review the proposal. When requested by the Planning Board copies of specific applications, permits or correspondence shall be also provided.
- c. **Agricultural data statement** shall be included if project is within proximity of a NYS Agricultural District and a farm site.
- d. **SEQR** environmental assessment form. A Short Environmental Assessment Form is required for all applications, however a Full Environmental Assessment Form is required for Type 1 actions (6 CRR-NY 617.4)
- e. **Escrow** deposit for review costs, if required.

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- f. **Special Permit applications** – in addition to the items above, all Special Permit applications shall include a narrative report specifically addressing topics that the Planning Board must review and make a finding upon. Generally, this narrative describes how the proposed use will satisfy the Additional Standards for Special Permits (see below) as well as any other applicable requirements relating to the specific use.

4. **General Design Findings for approval of all Special permits and Site Plans Reviews** The following are applicable to all Special Permit applications and Site Plan Reviews.

- a. **Zoning compliance.** All development depicted in the proposed site plan shall comply with the applicable intent and regulations of the Town Zoning Code, including the specific zone district in which it is located and to any other applicable Town, county, state, or federal regulations.
- b. **Relationship to site conditions.** Any proposed development shall be appropriate to the existing or proposed site conditions, such as slope, soil, or drainage patterns. Any changes in grade, ground cover or vegetation shall not cause erosion or adverse effects on drainage patterns and shall be appropriately designed for the site.
- c. **Relationship to surrounding properties.** The proposed site plan shall ensure that the size, placement, design and construction materials of any buildings or improvements are compatible to the character and use of surrounding properties and neighborhood. The proposed site plan shall ensure that drainage, lighting, signage and any other exterior effects of the proposal do not adversely affect surrounding properties.
- d. **Vehicular and pedestrian circulation.** There shall be safe, efficient vehicular and pedestrian movement within the site, to neighboring properties and in relationship to streets serving the site. Driving pavement, parking areas, walking paths and sidewalks shall be established in appropriate locations as approved by the Planning Board.
- e. **Services and utilities.** The proposed site plan shall contain provisions for water supply, wastewater disposal, drainage, fire protection and solid waste disposal that are adequate for the proposed use, established in conformance with applicable permit standards and procedures, and are consistent to the Town's long-term objectives for public facilities and services.
- f. **Public safety.** The proposal shall include satisfactory provision for solid waste disposal, fire, police and emergency service protection, utilities, and other services necessary to support the proposed use or structure.
- g. **Environmental resources.** The site shall be located, designed and operated in a manner that avoids or minimizes disturbance of significant natural or cultural resources; is consistent with the site's soil capabilities to accommodate the development; provides overland drainage systems and controls stormwater runoff in a manner conforming to

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area-wide drainage plans and Town planning objectives; and complies with applicable county, state or federal regulations for significant environmental resources.

- h. Aesthetics.** The site shall be designed to include building materials, screening, landscaping treatments of structures, parking, drainage, and storage areas that are consistent with existing development and aesthetic standards or any guidelines promulgated by the Town, which minimize adverse visual effects on surrounding properties or public rights-of-way.
- i. Emissions.** The detection of any noise, smoke, heat, or odor shall be within limits established by this code or other applicable laws or regulations. Such emissions shall be minimized and directed away from surrounding properties. Mechanical devices or attachments associated with these emissions are to be installed and maintained in accordance with applicable requirements.
- j. Landscaping.** Landscape treatments shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate. Primary landscape treatment shall consist of shrubs, ground cover and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should generally be native to the region and appropriate to the growing conditions of the Town's environment. To the extent practical, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.

5. Additional Standards and Findings for approval of Special permits – In addition to the General Design Standards cited above all **Special Permit** applications shall include information and the Planning Board shall review the information and find the following:

- a.** The Planning Board shall make written findings that the proposed Special Permit use will comply with all provisions and requirements of this chapter and of all other local laws and regulations and will be consistent with the purposes of this Zoning Code, the specific zone district in which it is located, with the goals of any applicable Town Plans.
- b.** The Planning Board shall take into consideration the scale of the proposed project and the possible impact of the proposed project may have on the surrounding land uses, environmental resources and public services and facilities.
- c.** The Planning Board finds that the proposed Special Permit will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.