

Town of Hoosick  
LOCAL LAW NO. 3 OF THE YEAR 2014

A local law entitled "Site Plan Law of 2014 of the Town of Hoosick"

A local law amending the duties of the Town of Hoosick Planning Board Town of Hoosick Zoning Board of Appeals with respect to site plan approvals.

Be it enacted by the Town Board of the Town of Hoosick as follows:

Local Law No. 2 of the Year 2001 of the Town of Hoosick, entitled "Site Plan law for the Town of Hoosick" is hereby amended and restated in its entirety as follows:

**Article I**  
**Introductory Provisions**

**Section 1.010 Enactment.** The Town Board of the Town of Hoosick, Rensselaer County, New York, does hereby ordain and enact the Town of Hoosick 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.

**1.020 Short title.** This local law shall be known as the "Town of Hoosick Site Plan Review Law." The Town of Hoosick is hereinafter referred to as the "town."

**1.030 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 that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town, by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

**1.040 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.

**1.050 Authorization of Zoning Board of Appeals to review site plans.** Notwithstanding anything herein to the contrary, the Town of Hoosick Zoning Board of Appeals 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 and only in the event an applicant is seeking an approval from the Town of

Hoosick Zoning Board of Appeals and in addition to any approval sought from the Town of Hoosick Zoning Board of Appeals, the applicant requires site plan approval.

## **Article II**

### **Applicability and definitions**

**Section 2.010 Applicability of review requirements.** All new land use activities, including any change of existing use, within the town shall require site plan review and approval before being undertaken, except the following:

1. Construction of one- or two-family dwelling and ordinary accessory structures, and related land use activities.
2. Landscaping which is not intended to be used in connection with a land use reviewable 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 existing structures which would not increase the square footage of the existing structure by more than 25%; and having a cost value of less than \$5,000.
5. Nonstructural agricultural or gardening uses not involving substantial timber cutting.
6. The sale of agricultural produce and temporary structures related to sale of agricultural produce.
7. Garage, lawn and porch sales not exceeding three days. If such sales take place more often than three (3) times in any calendar year, site plan approval will be required.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the Zoning Board for a written jurisdictional determination. Such determination shall be made promptly and in no event later than three (3) months from the date on which the writing was submitted to the Zoning Board.

**2.020 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, however any land use activity undertaken with respect to such structures taken after the date this local law becomes effective shall be subject to this law. Any land use activity which would otherwise be subject to this law that has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any land use activity 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.

**2.030 Relationship of this law to other laws and regulations.** This local law in no way affects the provisions or requirements of any other federal, state, or local laws, rules, or regulations,

including, but not limited to, the Town of Hoosick Land Use Law. Where this local law is in conflict with any other such law or regulation, the more restrictive law shall apply.

## **2.040 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.

“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, expansions to existing structures, new uses, changes in or expansions of existing uses, excavations for the purpose of extracting soil or mineral deposits, and changes in the dimensions of roads, parking lots, lighting, driveways, and locations of gasoline pumps.

“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.

“Planning Board” means the Town of Hoosick Planning Board.

“Review Board” shall mean the Planning Board or the Zoning Board, as the case may be pursuant to this local law, that is responsible for site plan review.

“Shoreline” means the mean high water mark of any lake, pond, river, or permanent stream.

“Structure” means a combination of materials assembled, constructed, or erected at a fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, solar collectors, antennae, swimming pools, gasoline pumps, billboards, signs, and mobile dwellings.

“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.

“Zoning Board” means the Town of Hoosick Zoning Board of Appeals.

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 3.010 Procedures - Generally.** Prior to undertaking any new, expanded, or modified land use activity except for a one- or two-family dwelling and other uses specifically excepted in section 2.010 of this local law, a site plan approval by the Review Board is required. Applicants for site plan approval shall follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

**3.020 Sketch plan.** A sketch plan conference may be held, upon the request of applicant and in the discretion of the Review Board, between the Review 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 Review Board of his proposal prior to the preparation of a detailed site plan; and for the Review 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;
2. 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
3. A topographic or contour map of adequate scale and detail to show site topography if requested by the Review Board in its discretion.

**3.030 Application requirements.** An application for site plan approval shall be made in writing to the chairman of the Review 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 applicable board at said sketch plan conference.

Site plan checklist:

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
2. North arrow, reasonable scale (for example 1" = 40' or less) as required in the Review Board's discretion, date, and printed on linen before final approval with the stamp and signature of either a land surveyor, professional engineer, or architect licensed to practice in the State of New York;

3. Boundaries of the property plotted to scale;
4. Existing buildings;
5. Floor elevations of buildings, so as to ensure positive surface drainage and proper elevation in relation to adjacent developments;
6. Small Scale location map;
7. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses;
8. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
9. Parking plan showing (i) the location, design, and type of construction of all parking and truck loading areas, (ii) access and egress, (iii) number of parking spaces (with the size of each space to be in accordance with that specified in the latest edition of the Transportation and Traffic Engineering Handbook), and (iv) other parking arrangements as may be requested by the Review Board in its discretion;
10. Provision for pedestrian access, including entrances and exits designed for use by the handicapped, if required by Review Board in its discretion;
11. Location of outdoor storage, if any;
12. Location of all existing and proposed utilities;
13. Location of all test borings and ground water elevation and soil profiles, if required by Review Board in its discretion;
14. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
15. Interior design plan, if required by Review Board in its discretion;
16. Traffic flows or a traffic engineering report, if required by Review Board in its discretion;
17. A written engineering report describing the watershed area, projected runoff and velocities through proposed water systems, including any downstream impacts;
18. A quantitative projection of sanitary sewage flow, and where other non-domestic discharge is anticipated, qualitative projection shall also be required (if the site is not serviced by the municipal sanitary sewer system an engineering report on the existing septic system servicing the site shall be required, or, if no specific system presently exists on the site an engineering plan of the proposed septic system shall be required);

19. Scaled elevation drawing of the exterior of all buildings on the site, which shall include any and all signs to be displayed on the site whether affixed to a structure or free-standing;
20. Description of the method of sewage disposal and location, design and construction materials of such facilities;
21. Description of the method of securing water and location, design and construction materials of such facilities;
22. Location of fire and other emergency zones, including the location of fire hydrants;
23. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
24. Location, size, design, and type of construction of all proposed signs;
25. Location and proposed development of all buffer areas, including existing vegetative cover;
26. Location and design of outdoor lighting facilities;
27. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
28. General landscaping plan and planting schedule that preserves and supplements existing vegetation and that screens parking and service areas from public view;
29. General lighting plan delineating the types of lighting fixtures to be used and the proposed lighting pattern;
30. An estimated project construction schedule;
31. Record of application for and status of all necessary permits from other governmental bodies;
32. Identification of any permits from other governmental bodies required for the project's execution; and
33. Other elements integral to the proposed development as may be considered necessary in the particular case by the Review Board.

**3.040 Required fee.** An application for site plan review shall be accompanied by a fee of \$50.00.

**3.050 Reimbursable costs.** All costs incurred by the Review Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

## **Article IV**

### **Review standards**

**Section 4.010 General standards and considerations.** The Review Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, appearance, size, design and general site compatibility of buildings, structures, lighting and signs.

2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading. The following standards represent the minimum parking space requirements and may be increased at the discretion of the Review Board:

a. Restaurants (excluding fast food establishments) – One space per three seats, plus one per two employees, or one space per 150 square feet of floor area so used, whichever is greater. Where there is a bar – one space per 20 square feet of standing room.

b. Fast Food Establishment – One space per every two seats, plus one space per each employee in maximum shift, or one space per 100 square feet of floor area, plus one space per employee in maximum shift, whichever is greater.

c. Office (general) – One space per 325 square feet of gross floor space.

d. Office (professional - medical) – One space per 250 square feet of gross floor space, or five spaces per professional person keeping an office and one per each staff member, whichever is greater.

e. Retail I (professional services - laundry, etc. – One space per 200 square feet of gross floor space.

f. Retail II (furniture - hardware - household equipment - clothing repair) – One space per 600 square feet of gross floor space.

g. Wholesale-Distribution – One space per 500 square feet of gross floor space or one space per each employee in maximum shift, whichever is greater.

h. Manufacturing – One space per each 1.5 employees or one space per 500 square feet of gross floor area, whichever is greater.

4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

5. Adequacy of stormwater and drainage facilities.

6. Adequacy of water supply and sewage disposal facilities.
7. 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.
8. Service, storage and utility areas shall be designed to the side and rear yard of any building and shall be appropriately screened by walls, earth, berms, and/or vegetation, in the Review Board's discretion.
9. Paving, parking or storage shall not be permitted within seven (7) feet of any side or rear line of the site plan presented and no parking or paving except for entrances will be permitted within ten (10) feet of the front line of said site plan. These areas shall be maintained as a landscaped area. Where such a requirement restricts the effective development of a site, the Review Board may take any appropriate action it deems necessary to modify these requirements while maintaining the intent of this provision.
10. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
11. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
12. In the case of an apartment complex or other multiple family dwelling, the adequacy of usable open space for play areas and informal recreation.
13. Overall impact on the neighborhood including compatibility of design consideration.
14. Consideration of the location and preservation of historical sites or landmarks.
15. Consideration of whether the project promotes the health, safety and general welfare of the Town of Hoosick.
16. Consideration of whether the project enables optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town.

**4.020 Specific standards and considerations.** The following specific standards shall apply in conjunction with the subject uses or in the designated areas.

**4.021 Shoreline standards and considerations.**

1. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.

2. No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet of any shoreline and no septic or other holding tank shall be located within fifty (50) feet of any shoreline, as measured from the normal high water mark of the waterbody.

3. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system.

4. Any marina, boat service facility or any storage of petroleum products within one hundred (100) feet or reasonable setback as determined necessary by the Review Board, of the shoreline shall include adequate provisions for insuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dyke shall be constructed in such manner so as to afford adequate protection.

5. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

## **Article V**

### **Public hearing and Review Board decision**

**Section 5.010 Public hearing.** The Review 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 62 days of the receipt of application for site plan review 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.

**5.020 Review Board decision.** Within 62 days of receipt of the application for site plan approval or if a public hearing is held within 62 days of public hearing, the Review Board shall render a decision. In its decision the Review Board may approve, approve with modifications or disapprove the site plan. The time period in which the Review Board must render its decision can be extended by mutual consent of the applicant and the Review Board.

**5.030. Approval.** Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the Review 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.

**5.040. Approval with modifications.** The Review 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 Review Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the town, the Review 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.

**5.050. Disapproval.** Upon disapproval of the site plan the decision of the Review 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 Review Board's reasons for disapproval.

**5.060. Expiration of Approval.** In the case where site plan approval is granted by the Review Board, all other permits for the execution of the work shall be obtained and substantial use thereof shall be commenced, except for good cause, or construction begun, except for good cause, within one (1) year from the date of filing of the Review Board's decision with the town clerk, unless the Review Board otherwise provides for a different period of time in the site plan approval. If the applicant does not abide by the provisions of this Section 5.060, the applicant's site plan approval shall be deemed to have expired.

**5.070. Zoning Board Authority.** When the Zoning Board is acting as the Review Board, the Zoning Board may, in its discretion, issue simultaneously a site plan approval or conditional site plan approval along with any other land use approval the applicant is requesting.

## **Article VI Appeal of Review Board decision**

**Section 6.010 Appeal procedure.** Any person aggrieved by any decision of the Planning Board or any officer, department, board or bureau of the Planning Board under this Site Plan Review Law, may file an appeal to the Zoning Board within thirty (30) calendar days of the date on which the decision being appealed was rendered. If the tenth day falls on a weekend or a federal holiday, the appeal can be filed on the following work day. The Zoning Board shall issue a decision on any appeal hereunder promptly and in no event later than forty-five (45) days from the date on which the appeal was submitted to the Zoning Board. Any person aggrieved by any decision of the Zoning Board under the Site Plan Review 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.

## **Article VII Miscellaneous provisions**

**Section 7.010 Enforcement officer.** The town board may appoint an enforcement officer to carry out the duties assigned by this local law or by any additional regulations adopted pursuant to section 7.020 hereof. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements including coordination with the Review Board and other officials and agencies, as appropriate.

**7.020 Further regulations by Review Board.** The Review Board may, after a public hearing, adopt such further procedural or interpretative rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

### **7.030 Amendments.**

1. The town board may on its own motion, on petition, or on recommendation of the Planning Board or Zoning 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 and Zoning Board for a report and recommendation thereon. The Planning Board and Zoning Board shall submit their reports within thirty (30) days after receiving such referral. Failure of the Planning Board or Zoning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

**7.040 Integration of procedures.** Whenever the circumstances of proposed development require compliance with this this local law and with any other local law, ordinance or requirement of the town, the Review 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.

**7.050 Enforcement.** Any person, corporation, partnership, association, limited liability company, 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 an offense and subject to a fine of not more than two hundred fifty dollars (\$250) or by penalty of two hundred fifty dollars (\$250) to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

**7.060 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.

**7.070 Effective Date.** This local law shall take effect upon filing with the Secretary of State of the State of New York.

End of Law