

CHAPTER 155. SITE PLAN REVIEW

[HISTORY: Adopted by the Town Board of the Town of North Greenbush 7-28-1981 by L.L. No. 3-1981 (Ch. 97A of the 1981 Code). Amendments noted where applicable.]

§ 155-1. Legislative intent.

[Amended 5-11-1989 by L.L. No. 6-1989; 11-14-1991 by L.L. No. 9-1991; 2-13-1997 by L.L. No. 8-1997]

- A. The Town of North Greenbush has heretofore granted the Planning Board of the Town of North Greenbush the authority and the power to approve land subdivisions within the Town as part of a plan for the orderly, efficient and economical development of the Town. In order to further protect and promote the public health, safety, morals, comfort, convenience, economy, aesthetics and general welfare, the Town Board declares that the issuing of building permits for construction in major residential subdivisions, as such subdivisions are defined in Chapter 163, Subdivision of Land; of condominiums, as the same are contemplated within Article 9-B of the New York State Real Property Law; any nonresidential use granted a use variance by the Zoning Board of Appeals in the AR, R1, R2, R3 or R4 Zoning Districts; and any use in the following Zoning Districts of the Town shall require Site Plan review and approval by the Planning Board:
- (1) BN Neighborhood Business.
 - (2) BG General Business.
 - (3) R4 Residence, Multiple.
 - (4) PBD Professional Business.
 - (5) H Hamlet.
 - (6) C Commercial.
 - (7) TP Technology Park.
 - (8) PWDD Planned Waterfront Development.
 - (9) PDD Planned Development.
 - (10) SC Senior Citizens Housing.
 - (11) NP Natural Products Extraction.
 - (12) IG Industrial.
 - (13) T Transportation Corridor Overlay
- B. Site plan review shall also be required for construction of buildings to be occupied or used by governmental, institutional, fraternal and religious organizations, no matter where located.
- C. In any zoning district, except where applicable design guidelines are enforced, buildings used for agricultural purposes, individual single-family residences or single-family residences in a minor subdivision shall be exempt from this requirement.

§ 155-2. Title.

This chapter shall be known as the "Site Plan Review Law of the Town of North Greenbush."

§ 155-3. Approval required.

- A. Prior to the issuance of a building permit, Site Plan Approval shall be required. Any amendment of a previously approved site plan shall be subject to approval by the Planning Board pursuant to the same procedure as that applicable to the original site plan. No certificates of occupancy shall be issued for any building or use of land within the purview of this section unless the building is constructed or used, or the site is developed or used, in conformity with an approved site plan.
- B. Exceptions. Only the following shall be exempted from Site Plan Approval:
 - (1) Single-family residences, duplexes, and twin homes.
 - (2) Modifications to an existing approved site plan that do not impact, overall site, stormwater management, parking, traffic, exterior facades, or classification of use per the New York State Building Code.

§ 155-4. Sketch plan.

A sketch plan conference may 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 his 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 should provide the following:

- A. A statement and sketch plan showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features; and anticipated changes in the existing topography and natural features.
- B. A map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements and other pertinent features.
- C. A topographic or contour map of adequate scale and detail to show site topography.

§ 155-5. Application for approval.

An application for site plan approval shall be made in writing to the Chairman 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 by the Planning Board at said sketch plan conference. The site plan checklist is as follows:

- A. Title of drawing, including the name and address of the applicant and the person responsible for the preparation of such drawing.
- B. North arrow, scale and date.
- C. Boundaries of the property plotted to scale.
- D. Existing watercourses.
- E. Grading and drainage plan, showing existing and proposed contours.
- F. Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- G. Location, design and type of construction of all parking and truck loading areas, showing access and egress.
- H. Provision for pedestrian access.
- I. Location of outdoor storage, if any, and location of storage of all toxic and hazardous and/or flammable materials.
- J. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- K. Description of the method of sewage disposal and the location, design and construction materials of such facilities.
- L. Description of the method of securing public water and the location, design and construction materials of such facilities.
- M. Location of fire and other emergency zones, including the location of fire hydrants.
- N. Location, design and construction materials of all energy distribution facilities, including electrical, gas and renewable energy.
- O. Location, size and design and type of construction of all proposed signs.

- P. Location and proposed development of all buffer areas, including existing vegetative cover.
- Q. Location and design of outdoor lighting facilities.
- R. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- S. General landscaping plan and planting schedule.
- T. An estimated project construction schedule.
- U. Identification of any federal, state or county permits required for the project's execution.
- V. Record of application for and approval status of all necessary permits from federal, state and county officials.
- W. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Chapter 165, Stormwater Management and Erosion and Sediment Control, shall be required for site plan approval. The SWPPP shall meet the performance, design criteria and standards set forth in Chapter 165. The approved site plan shall be consistent with the provisions of Chapter 165. [Added 1-10-2008 by L.L. No. 1-2008]
- X. Other elements integral to the proposed development as considered necessary by the Planning Board.

§ 155-6. Review 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.
- B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- C. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. Adequacy and arrangement of pedestrian 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 water supply and sewage disposal facilities.
- G. Adequacy, type and arrangement of trees, shrubs and landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- I. Adequacy of indoor and outdoor storage of all toxic, hazardous and/or flammable materials.
- J. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or eroding.
- K. Other elements integral to the proposed development as considered appropriate by the Planning Board.

§ 155-6.1. Commercial District design guidelines.

[Added 5-13-2004 by L.L. No. 5-2004]

- A. The following guidelines shall apply to the Commercial District (C) and shall be followed in reviewing site plans and may only be modified by the Planning Board as set forth below. In certain cases it is recognized that the particular character of individual sites may preclude the application of certain design guidelines. Therefore, the Planning Board may modify the following guidelines where it finds that such modification is warranted. Circumstances that shall warrant modification of the guidelines may include, but not be limited to: physical constraints such as the location of existing buildings or changes in grade between adjacent properties; excessive cost; or failure to obtain an agreement or permit that is required for the implementation of the guidelines. In reviewing any proposed modification, the Planning Board shall consider whether granting the modification will be consistent with the purposes of this chapter (including the relevant portions of the Zoning Ordinance applicable to this district), locally adopted plans, and the following principals.
 - (1) The general design and character of the proposal is in harmony with the neighboring properties in the district.
 - (2) The scale of the proposal in relation to the site and neighboring properties.
 - (3) The similarity of building materials and their color and texture in relation to those found in the surrounding district.

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- (4) The visual compatibility of the proposal with surrounding properties, including height, setbacks, roof shape, window and door arrangements, and the orientation of the building in relation to the street.
- B. Parking lot landscaping requirements. The required landscaping for parking lots shall be more or less evenly distributed throughout the parking lot, although adjustments may be approved by the Planning Board reviewing the landscape plan, where shape or size of the parking lot, the location of existing trees, or other natural constraints reasonably prevent such distribution.
- C. Screening:
 - (1) All mechanical equipment, waste collection and electrical transformer areas shall be screened from view through the use of fencing or landscaping.
 - (2) Screening shall be provided along the property line of adjoining residential zoned properties.
- D. Building architecture:
 - (1) Building facades that face public streets or, in the discretion of Planning Board, visible from adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises or similar features across no less than 60% of the facade, calculated on an area basis.
 - (2) All buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will maintain their appearance over time, including but not limited to natural or synthetic stone; brick; integrally colored, textured or glazed concrete masonry units; high quality pre-stressed concrete systems or glass.
 - (3) Color schemes shall tie buildings together and relate buildings to one another. Intense, bright, black or fluorescent colors shall be used sparingly and shall not be the primary color on any building.
 - (4) Buildings shall generally show variations in materials, form and colors.
 - (5) The Planning Board may take into consideration a site plan layout, or potential future layout, of buildings and other characteristics of adjoining parcels.
 - (6) Flat roofs are discouraged. Articulated rooflines are encouraged. Where flat roofs are proposed, parapets, mansard screens or other methods shall be used to hide mechanical equipment.
- E. Circulation. Connection to adjoining properties is encouraged wherever practical. Shared driveways are encouraged wherever practical.
- F. Public transit. In the discretion of Planning Board, public transit shelters are to be provided. The Planning Board shall encourage the use of transit by evaluating the location of commercial buildings and the location of public transit shelters and considering the incorporation of direct pedestrian connections between transit stops and commercial establishments.
- G. Signage. In addition to conforming to the signage requirements of the Town of North Greenbush Code. Signage shall be integrated into the overall design of the building(s). Signs shall be located to complement the architectural features of a building, such as above the building entrance, storefront opening or other similar feature.
- H. Grading. Grading shall be limited to the minimum necessary to accomplish site construction. Significant raising or lowering of natural grades is strongly discouraged. The use of retaining walls and slopes in excess of 3:1 grade shall be limited to that necessary to accomplish construction objectives. Railroad ties and gabion walls are prohibited.
- I. Pedestrian walkways. Where multiple buildings are located within a shopping center, the pads should be connected by pedestrian walkways. When pads are separated, the areas between them shall be landscaped, accessible to pedestrians and include pedestrian seating areas or similar features.
- J. Lighting. Parking lot or other lighting shall not spill over into adjoining properties.

§ 155-6.2. Reserved

§ 155-6.3. General Business Overlay District design guidelines.

[Added 5-13-2004 by L.L. No. 5-2004]

- A. The following guidelines apply to the General Business District (BG) and shall be followed in reviewing site plans and may only be modified by the Planning Board as set forth below. In certain cases it is recognized that the particular character of individual sites may preclude the application of certain design guidelines. Therefore, the

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Planning Board may modify the following guidelines where it finds that such modification is warranted. Circumstances that shall warrant modification of the guidelines may include, but not be limited to: physical constraints such as the location of existing buildings or changes in grade between adjacent properties; excessive cost; or failure to obtain an agreement or permit that is required for the implementation of the guidelines. In reviewing any proposed modification, the Planning Board shall consider whether granting the modification will be consistent with the purposes of this chapter (including the relevant portions of the Zoning Ordinance applicable to this district), locally adopted plans, and the following principals.

- (1) The general design and character of the proposal is in harmony with the neighboring properties in the district.
 - (2) The scale of the proposal in relation to the site and neighboring properties.
 - (3) The similarity of building materials and their color and texture in relation to those found in the surrounding district.
 - (4) The visual compatibility of the proposal with surrounding properties, including height, setbacks, roof shape, window and door arrangements, and the orientation of the building in relation to the street.
- B. Parking orientation. Parking blocks shall be oriented to buildings so that pedestrians move down rather than across rows.
- C. Lighting. Parking lot lights may not exceed 20 feet in height. All lights, whether pole or building mounted, shall be shielded such that light is directed downwards. Parking lot or other lighting shall not spill over into adjoining properties.
- D. Screening. All mechanical equipment, waste collection and electrical transformer areas shall be screened from view through the use of fencing or landscaping.
- E. Building architecture:
- (1) Building facades that face public streets or, in the discretion of the Planning Board, facing adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, trellises or similar features across no less than 60% of the facade on an area basis.
 - (2) All buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will maintain their appearance over time, including but not limited to natural or synthetic stone; brick; integrally colored, textured or glazed concrete masonry units; high quality prestressed concrete systems or glass.
 - (3) Color schemes shall tie buildings together and relate buildings to one another. Intense, bright, black or fluorescent colors shall be used sparingly and shall not be the primary color on any building.
 - (4) Blank walls are prohibited. Buildings with a single, dominant mass are prohibited. Buildings shall generally show variations in materials, form and colors.
 - (5) Flat roofs are discouraged. Articulated rooflines are encouraged. Where flat roofs are proposed, parapets, mansard screens or other methods shall be used to hide mechanical equipment.
 - (6) In reviewing a site plan, the Planning Board, in its discretion, may take into consideration the layout, or potential future layout, of buildings on adjoining parcels and other characteristics of the adjoining parcel.
- F. Circulation. Connection to adjoining properties is encouraged wherever practical. Shared driveways are encouraged wherever practical.
- G. Public transit. In the discretion of Planning Board, public transit shelters are to be provided. The Planning Board shall encourage the use of transit by evaluating the location of commercial buildings and the location of public transit shelters and considering the incorporation of direct pedestrian connections between transit stops and commercial establishments.
- H. Signage. In addition to conforming to the signage requirements of the Town of North Greenbush Code, signage shall be integrated into the overall design of the building(s). Signs shall be located to complement the architectural features of a building, such as above the building entrance, storefront opening or other similar feature.
- I. Grading. Grading shall be limited to the minimum necessary to accomplish site construction. Significant raising or lowering of natural grades is strongly discouraged. The use of retaining walls and slopes in excess of 3:1 grade shall be limited to that necessary to accomplish construction objectives. Railroad ties and gabion walls are prohibited.
- J. Connection to adjoining properties is encouraged wherever practical.

§ 155-6.4. Main Avenue Design Guidelines.

- A. The Main Avenue Design Guidelines are hereto attached as Appendix A of this chapter titled "The Town of North Greenbush Main Avenue Design Guidelines".

§ 155-6.5. Route 4 Design Guidelines.

- A. The Route 4 Design Guidelines are hereto attached as Appendix B of this chapter titled "The Town of North Greenbush Route 4 Design Guidelines".

§ 155-7. Development standards.

[Added 5-10-1990 by L.L. No. 10-1990]

Development shall adhere to the following best management practices for drainage and erosion control:

- A. Natural ground contours should be followed as closely as possible.
- B. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
- C. Extreme care should be exercised in areas adjacent to natural watercourses and in locating artificial drainageways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
- D. Natural protective vegetation should remain undisturbed if at all possible.
- E. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
- F. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
- G. A ground cover should be applied sufficiently to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
- H. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
- I. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover. Other erosion control devices or structures should only be used where vegetation is not sufficient to control erosion.
- J. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.

§ 155-8. Action on site plan.

[Amended 2-13-1997 by L.L. No. 8-1997]

- A. Within 45 days after the receipt of an application for site plan approval, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.
- B. Within 45 days after the date of such hearing, the Planning Board shall render a decision, file said decision with the Town Clerk and mail such decision to the applicant, with a copy to the Building Director or his designee. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

[Amended 4-13-2006 by L.L. No. 2-2006]

- C. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall provide copy of the final site plan stamped and signed with a copy of the Planning Board resolution to the applicant and Building Department Coordinator or his designee and shall file the same with the Town Clerk.

[Amended 4-13-2006 by L.L. No. 2-2006]

- D. Upon disapproval of a site plan, the Planning Board shall so inform the Building Director or his designee, and the Building Director or his designee shall deny a building permit to the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.

[Amended 4-13-2006 by L.L. No. 2-2006]

§ 155-9. Performance guaranty.

[Amended 4-13-2006 by L.L. No. 2-2006]

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Town Board after consultations with the Planning Board, Town Attorney, Building Director or his designee and other appropriate parties.

§ 155-10. Inspection of improvements.

[Amended 4-13-2006 by L.L. No. 2-2006]

The Building Director or his representative shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

§ 155-11. Integration of procedures.

Whenever the particular circumstances of the proposed development require compliance with the Town's Zoning Law, land subdivision regulations or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this chapter with the procedural and submission requirements for such other compliance.