

TOWN OF HUNTER  
Local Law No. 11 of 2016

THE TOWN OF HUNTER SITE PLAN REVIEW LAW

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A LOCAL LAW repealing and replacing Local Law No. 4 of 2016 of the Town of Hunter regulating Site Plan Review.

BE IT ENACTED by the Town Board of the Town of Hunter, Greene County, as follows:

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## **ARTICLE A. INTRODUCTORY PROVISIONS**

### **1. Enactment**

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

### **2. Title**

This local law shall be known as the Town of Hunter Site Plan Review Law, Local Law #4 of 2016.

### **3. Intent and Purpose**

The Town of Hunter is a mountainous community located within the Catskill Park and the Catskill Watershed that is rich in history, scenic resources, and recreational opportunities. The town has established the importance of preserving these resources in their Comprehensive Plan, the Mountain Cloves Scenic Byway Corridor Management Plan, and the Mountaintop Community Resource Strategy. In addition, the town has been designated both a Preserve America Community and a Climate Smart Community. The intent of the Site Plan Review Law is to promote the health, safety, and general welfare of residents, balance land development with environmental protection, and further the goals and objectives of the aforementioned plans. New development should not detract from the scenic values, rural character, visual qualities of Hunter's landscape and historic character and should also complement existing public facility, road network and development patterns.

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 town's economy and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through the review of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and ensuring that new development is in harmony with the community character.

### **4. Planning Board Authority to Review Site Plans**

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

disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law. The planning board has the authority to impose reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the town.

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The Planning Board will consider written waiver requests from the applicant that include a justification as to why specific requirements of this local law should not apply to their project. Authority to waive requirements may be exercised in the event such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan keeping in harmony with the Town of Hunter Comprehensive Plan, and Mountain Cloves Scenic Byway management plan.

## **ARTICLE B. GUARANTEE OF SITE IMPROVEMENTS**

### **1. General**

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

### **2. Performance Guarantee Options**

In order that the town has the assurance that the construction and installation of improvements including but not limited to storm sewers, water supply, sewage disposal, sidewalks, parking, landscaping, and access roads will be constructed in accordance with these standards and/or any site plan approval modifications, the Planning Board may require that the applicant enter into one of the following agreements with the town.

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

### **3. Conditions**

- A. The performance guarantee shall be to the town and shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in

accordance with the approved site plan.

- B. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
- C. Certified checks shall be made payable to the "Town of Hunter" and will be placed in an escrow account established by the town for this purpose.

#### **4. Extension of Time**

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

#### **5. Schedule of Improvements**

When a certified check or performance bond is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvement in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation.

#### **6. Inspections**

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

#### **7. Phased Development**

The Planning Board shall require, subject to Town Board approval that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the town

of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Code Enforcement Officer.

## **ARTICLE C. DEFINITIONS**

**100 Year Flood** – A flood event that has a 1% chance of occurring in any given year.

**Access** – Entrance ways for vehicles to leave or enter a property or lot from a public highway or private road.

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

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

**Applicability** – Refers to those uses or activities that are or are not subject to the requirements of this law. As used in Article H.5. ‘Applicability’ refers only to whether or not this law applies to a specific use or activity as determined by the administrative official whose responsibility it is to make this determination in Article C. of this law.

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

**BSD (Better Site Design)** – Better site design is an approach to development that utilizes a set of design principles that protect natural areas, reduce impervious surfaces, and better integrate stormwater treatment in development projects.

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

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

**Change of Use (Conversion)** – The change of use or occupancy of a building from either residential, commercial, industrial, institutional or public assembly to one of the other uses, or a change in the intensity of the same use.

**Commercial Building(s)** – Any building used solely for commercial or industrial uses including but not limited to office, professional or service type transactions wherein there is no residential or mixed use occupancy.

**Condominium** – A multiple-unit residential building in which the homeowner owns an individual unit and a proportionate share of all the common elements, including the land on which the building is located. Maintenance of the common elements is administered by a

Homeowners Association or similar entity.

**Code Enforcement Officer** – The administrative official, appointed by the town board, who is charged with the administration and enforcement of this local law. The Code Enforcement Officer is sometimes referred to as the Superintendent of Buildings or Building Inspector in other local laws of the Town.

**Commercial Use** – An activity conducted for non-residential and non-industrial business purposes including but not limited to wholesale, retail, office, services, professional services, recreational services, campgrounds, events or entertainment uses. A home occupation, as defined in this law, shall not be deemed a commercial use; however, a home occupation that exceeds the limitations defined in this law is considered a commercial use.

**Drainage** – A system of swales, ditches and culverts, catch basins and piping to convey stormwater runoff to retention areas and stabilized discharge points.

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

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

**Dwelling, Multiple Family** – Building, portion of a building, or group of buildings on one lot each containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.

**Dwelling, Single-Family, Detached** – A residential dwelling unit designed for occupancy by one family and having no party wall in common with another building.

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

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

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

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

**Erosion** – The wearing away of surface soils by action of wind or water.

**Erosion Control** – Use of re-seeding, re-vegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion.

**Family** – One or more persons living together as a traditional family or the functional equivalent of a traditional family in a single housekeeping unit and maintaining a common household.

**Fire Lane** – Access for emergency fire-fighting vehicles.

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

**Flood Hazard, Area of** – Land within a community subject to a one percent (1%) or greater chance of flooding in any given year as shown on the Flood Insurance Rate Maps developed by the Federal Emergency Management agency. Also commonly referred to as base floodplain or 100 year floodplain.

**Flood Plain** – An area of low-lying ground adjacent to a river or stream, formed mainly of sediment and subject to flooding.

**Frontage** – That part of a property bounded by either a public or private road.

**Grading** – The leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

**Groundwater** – Water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

**Home Occupation** – Any business, profession, occupation or trade conducted entirely within a dwelling or accessory structure, which is clearly incidental and secondary to the residential use of the site; does not change the essential character of the dwelling, the site, or surrounding neighborhood; and does not utilize more than twenty-five percent 25% of the total floor area of the dwelling unit if located therein, or more than 400 square feet of floor area if located in an accessory structure. Home occupations are classified as either Minor or Major:

**Minor Home Occupation** – A home occupation conducted solely by residents of the dwelling unit, which has no exterior display or visible evidence of the occupation, and which generates no additional traffic nor need for off-street parking beyond the customary needs of the occupants. A minor home occupation is exempt from site plan review.

**Major Home Occupation** – A home occupation conducted by the residents of the dwelling unit with no more than two non-resident employees, which serves no more than two customers at any one time and complies with the standards included in Article E. A major home occupation requires site plan review and approval by the Planning Board.

**Impervious Surface** – Any man-made material, such as pavement used in parking lots or driveways, or any building or other structure on a lot, that does not allow precipitation and melted snow to penetrate into the soil.



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

**Institutional Use** – A land use that serves a community's social, educational, health, cultural, or recreational needs. Institutional uses may be government owned and operated or privately owned and operated. Examples include but are not limited to government uses and buildings, schools, hospitals, cemeteries, libraries, prisons, and post offices.

**Land Use Activity** – Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure, including construction of a driveway or road having a grade of more than 20% for any distance exceeding 200 ft.

**LID (Low Impact Development)** – Application of a range of treatment practices designed to manage and treat stormwater runoff in order to maintain and restore natural hydrology and ecological function by infiltration, evapotranspiration, capture and reuse of stormwater and establishment of natural vegetative features. Such practices essentially result in runoff reduction and/or establishment of habitat areas.

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

**Mobile Home** – A mobile home is any vehicle which is designed to be transported on, its own wheels or those of another vehicle; which is used, designed to be used or capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.

**Mobile Home Lot** – A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

**Mobile Home Park** – A mobile home park is any parcel of land which is planned and improved for the placement of two or more mobile homes which are used as dwellings.

**Mobile Home Stand** – A mobile home stand is a durable surface located on a mobile home lot which is to be used for the placement and capable of supporting a mobile home.

**Multiple Unit Dwelling** – A building or group of buildings whether attached to each other or not, situated on one or more contiguous parcels of land under common fee, title, ownership, or ownership of individual, or entities acting pursuant to a common scheme or plan collectively containing two or more residential dwelling units.

**Noise, Nuisance** – An undesired audible sound that interferes with enjoyment and use of property. For purposes of this law a decibel level exceeding 70 dB measured at the property boundary shall be a nuisance noise.

**Off Street Parking** – Area provided for parking not on any public or private road.

**Perennial Stream** – A body of running water flowing continuously in a defined channel with bed and banks on the ground surface.

**Pervious Surface** – Materials that allow stormwater to percolate and infiltrate the surface areas, traditionally impervious to the soil below.

**Phased Development** – Development that occurs in defined stages (e.g. a 20-unit townhouse project built in two separate 10-unit stages).

**Ridge top or Ridgeline** – The long, narrow crest or horizontal line of the hills or mountains, usually at the highest elevation.

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

**Road, Private** – An access drive or roadway, privately owned and maintained, and not meant for use by the general public and accesses two or more principal uses.

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

**Road, Right of way** – An area defined by a boundary which provides for road construction, maintenance, improvement, and/or widening.

**Road, Secondary** – Where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road. (see Road, Primary).

**Runoff** – Surface water that flows onto, within, and/or off of the site area.

**Screening** – Vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land use.

**Sediment** – Soils or other surficial materials transported by surface water as a product of erosion.

**Sedimentation (Siltation)** – The deposition of sediment and silt in drainage-ways, watercourses and water bodies which may result in pollution, murkiness, accumulation, loss of habitat and blockage.

**Septic System** – An on-site sewage disposal system (designed as a simple gravity or alternative system), which consists of a septic tank and septic field, in which case waste material is distributed through a network of tile fields following a process in the septic tank where solids are

settled out of the waste.

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

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

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

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

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

**Slope** – The vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet, said horizontal distance ordinarily to be the natural course of storm water runoff.

**Stream / River** – A body of running water flowing on the Earth. (See Watercourses.)

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

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

**Stormwater Management** – The use of structural or non-structural practices that are designed to reduce stormwater runoff from development and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Management Practices (SMP)** – Measures, either structural or nonstructural, that are determined to be most effective, practical means of preventing flood damage and preventing

or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SWPPP)** – The SWPPP is the plan for controlling runoff and pollutants from a site during and after construction activities. The SWPPP must be implemented in order to prevent water quality violations.

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

**Travel Trailer** – A travel trailer is any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home. Also referred to as “RV”.

**Trailer Camp** – A trailer camp is any parcel of land which is planned and improved for the placement of two or more travel trailers which are used as temporary living quarters.

**Townhouse** – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with open space on at least two sides. The owner of a townhouse owns the land on which it stands.

**Watercourses** – A visible path through which surface water travels on a regular basis, including an intermittent stream. A drainage ditch, swale, or surface feature that contains water only during or immediately after a rainstorm or snowmelt shall not be considered a watercourse.

**Watershed** – The area which is a drainage basin for a particular freshwater body.

**Wetlands** – Areas of land that are inundated or saturated by surface or groundwater at a frequency and duration to support plant and animal species typically adapted for life in saturated soil conditions. Wetlands generally include marshes, swamps, sloughs, and bogs.

## **ARTICLE D. APPLICABILITY**

### **1. Uses and Activities Requiring Site Plan Approval**

All new land use activities within the town shall require site plan review and approval before being undertaken except those specifically exempted in Section 2 below. The following uses shall require site plan approval:

- A. New two-family and multiple-unit dwellings, including townhouses and condominiums.
- B. New commercial, industrial, and institutional buildings.
- C. Any change of use or conversion of a site or building from residential, commercial, industrial, institutional or public assembly to another use, or an increase in intensity of the same use.
- D. All tracts of land used for commercial, industrial, institutional, ~~or public assembly (50-500 persons)~~ purposes.
- E. All expansions of commercial, industrial, and institutional uses.
- F. Major home occupations.
- G. Non-agricultural grading, filling, and excavation activities one-half acre and larger.
- H. Mobile home parks; trailer camps.

### **2. Exempted Uses**

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

- A. Construction of single family dwellings, ordinary accessory structures, and related land use activities, excepting the construction of any driveway or roadways having a grade of 20% or greater for 200 ft.
  - B. Ordinary repair or maintenance of existing structures or uses.
  - C. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products.
  - D. Exterior alterations or additions to an existing residential structure which do not substantially change its nature or use.
  - E. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
  - F. Minor home occupations.
  - G. Demolition of Structures; while not triggering site plan review, demolition of a structure will require a permit to be issued by the Town of Hunter Code Enforcement Officer.
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H. Temporary Travel Trailer ( RV) camping of no more than 5 days, or at a temporary Department of Health (DOH) permitted location.

### **3. Existing Uses and Structure**

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

### **4. Design Standards**

- Identify trees greater than 12" dbh and protect them.
  - Existing vegetation shall be preserved to the maximum extent feasible.
  - Roadways should follow existing contours and minimize use of cut and fill. Curbing should be avoided except in hamlet areas.
  - Preserve existing topography, natural watercourse, rock formation, hedgerows, stone walls, etc.
  - Minimize clearing and grading.
  - Development should be screened from view behind fields or with evergreen or hardwood trees maintained between the road and the structure.
  - Landscaping should be designed for four seasons, use natural plants, planted in clusters to create natural appearance.
  - When earthen berms are used for screening they should be as wide as the mature branch spread of trees planted on them.
  - All site plans should require maintenance of streamside vegetation with no disturbance for a distance to be calculated based on the slope of the bank.
  - Street trees should be planted along all new roads.
  - The building form should reflect the character of the surrounding architecture in scale, mass and form, height and roof pitches.
  - Roof pitches below 8:12 should be discouraged.
  - There should be no long uninterrupted walls facing the street and facades longer than 80 feet should be broken up with windows, doors, columns or other facade features.
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- Traditional building materials or those that look and function like traditional materials should be used whenever possible.
- All mechanical equipment should be screened with fences, walls or vegetation, behind sloped roofs or at rear of buildings.
- Parking lots should be buffered to decrease view from the street of the parking lot.
- Minimize curb cuts to one unless a traffic study shows that more are needed.
- Allow for joint or shared parking by two or more uses (for example a store next to a church).
- Building signs should always be subordinate to the structure.
- Use exterior illuminated signs rather than internally lighted signs.
- Light pole spacing should be 4x the height of the pole. Minimize height of pole.
- Encourage bike parking on sidewalks or in parking lots.
- Offer an incentive for use of shared parking lots by decreasing the parking ratio required.
- Parking spaces should be 9 x 18 feet.

## **ARTICLE E. PROCEDURES**

### **1. General**

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

### **2. Sketch Plan**

A sketch plan conference shall be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan. At least 10 days prior to the regularly scheduled Planning Board Meeting, the applicant shall submit a written statement describing the proposed project and the information described in A. and B. below to the Secretary of the Planning Board. The Chairman of the Planning Board and the Code Enforcement Officer shall review the submittal for adequacy, and will be scheduled for the next scheduled meeting.

- A. A resource analysis map showing the parcel under consideration for site plan review, and all the properties (including owners' names), subdivisions, streets, and easements within five hundred (500) feet of the boundaries thereof. This map shall include identification of
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the site's natural and man-made features which may present assets and liabilities for layout of the proposed buildings and improvements, including site topography at no more than twenty (20) feet contour intervals, steep slopes (over 15% grade), wetlands, watercourses, flood zones and wooded areas. The sketch plan should also ensure that it also shows roads, pedestrian pathways, location for sewage and water disposal, location of proposed structures, including general landscaping areas and parking lots. Additionally, the sketch plan shall display critical resources such as vista's and view sheds, other significant topographic or geologic features (like a waterfall), historic features, public open spaces or parks, streamside vegetation that may exist, rock outcrops, the required buffer distances around wetlands, stream sand vernal pools. This information can be obtained from various online sources such as the NYSGIS Clearinghouse Interactive Mapping Gateway, the Greene County Web Map, and the NYSDEC Environmental Resource Mapper.

B. A conceptual sketch plan showing the major features of the proposal.

### **3. Initial Review**

At the sketch plan conference, the Planning Board will review with the applicant the submission requirements (Article D.6) to determine what specific information is to be presented on and with the site plan. If the Planning Board determines that the proposed project may have problems related to the topography of the site, it may require more detailed topographic, soils, or storm-water management information. The Planning Board will advise the applicant on the appropriate New York State Environmental Quality Review (SEQR) form to be submitted. The Planning Board will also determine which, if any, of the submission requirements will be waived.

### **4. Application for Site Plan Review**

An application for site plan review shall be submitted to the Planning Board Secretary at least seven (7) days prior to the next regularly scheduled Planning Board meeting. It shall include a completed Site Plan Application Form, the Site Plan and any supporting information (see Article below), a SEQR Environmental Assessment Form (Part 1 completed), and the required fee as set periodically by resolution of the Town Board. An Owner's Authorization Form must also be submitted if the applicant is not the owner of the subject property. The Planning Board Secretary shall forward a copy of the application and supporting materials to the Code Enforcement Officer for comments and review.

### **5. Authorization for the Imposition of Fees**

The Planning Board is hereby authorized to charge to any site plan review applicant an amount for the estimated, actual, reasonable and necessary engineering, legal or other consultant review services required in order to properly review a site plan application before it.

A. Estimate and payment of fees. The Planning Board shall make an initial estimate of any actual and necessary reasonable engineering, legal or other consultant review fees required to be paid in order to properly review the application. Such estimate shall be provided to and paid by the applicant for permit approval before an application shall be considered complete for SEQR purposes and prior to any required review of a project by the Planning Board. An applicant shall, as a part of the site plan application, undertake

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and agree to pay all such consultant review expenses incurred by the Planning Board. If protracted or extended review of a project results in the initial estimate and payment of such consultant review fees being exceeded, the Planning Board shall advise the applicant, who shall thereupon pay the additional estimate for such further actual and necessary expenses.

- B. Payment before final approval. Any engineering, legal or other consultant review charges imposed on an applicant, pursuant to the provisions of this section, shall be paid in full by the applicant prior to the Planning Board being required to make, any final decision with regard to the application pending before it.
- C. Refund of unused fees. Any fees or charges paid by an applicant, pursuant to the provisions of this law, which are not necessary to be expended by the Planning Board shall be refunded to the applicant at the completion of the application process.

## **6. Site Plan Submission Requirements**

The submitted site plan and supporting documentation is to include all of the following information, including any specific items requested by the Planning Board below, unless specifically waived by the Planning Board at the sketch conference:

1. Title of site plan, including name and address of applicant and person responsible for preparing such drawing.
  2. North arrow, scale and date.
  3. Boundaries of property plotted to scale.
  4. Location, size and existing use of buildings on premises.
  5. Location and ownership identification of all adjacent lands as shown on latest tax records.
  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 and water courses.
  9. Location, type of construction and exterior dimensions of all buildings.
  10. Identification of the amount of gross floor area proposed for retail sales and services, offices, and other commercial or industrial facilities.
  11. Location, type of construction, and area of all parking and truck loading areas, showing access and egress.
  12. Provision for pedestrian access, including public and private sidewalks, if applicable.
  13. Provision for reservation of parkland for multi residential dwellings and resorts per NYS
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law 274-A.

14. Location of outdoor storage, if any.
15. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
16. Description of the method of sewage disposal and the location of such facilities.
17. Description of the method of securing water, location of such facilities, and approximate quantity of water required.
18. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
19. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas and solar energy.
20. Location of trash receptacles and proposed methods of securing them from wildlife.
21. Location, size, design and type of construction of all proposed permanent signs.
22. Description of changes in Ambient Noise Characteristics due to proposed development.
23. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover, describing the same in detail.
24. Location and design of existing and proposed outdoor lighting facilities including manufacturer's specification sheets and a diagram showing the foot candle distribution pattern.
25. General landscaping and planting schedule.
26. Record of applications and approval status of all necessary permits from federal, state, regional, county and local offices.
27. Estimated project construction schedule.

At the sketch or preliminary conference, the Planning Board may request other elements that are integral to the review of any ~~the~~ proposed development or action. The Planning Board has the authority, based on the project's potential impacts, to require supplemental information including but not limited to a traffic study or a visual impact.

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## **7. Specifications of Materials Submitted**

### **A. Site Map:**

This shall be drawn at a scale of one hundred (100) feet to one inch or larger and shall show existing topography at a contour interval of not more than five (5) feet. This map shall show the site area and any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, etc., as identified on the resource analysis map at the sketch plan conference stage.

### **B. Development Plan:**

This is a detailed plan for the proposed development, drawn to a scale of one hundred (100) feet to one inch or larger. The site development plan illustrates the location of all existing or proposed site improvements including buildings, drains, culverts, retaining walls, and fences; provides a description and shows the location of sewage and water facilities; shows location of all signs; the location of proposed buffer areas; the design of lighting facilities; all automobile parking and all parking for commercial vehicles while loading and unloading; and the location and width of all driveways, exits, and entrances.

### **C. Elevations and/or Sections:**

Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan, shall be required by the Planning Board via submitted elevation drawings. The elevations and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.

### **D. Conceptual Drawings:**

In order to meet the community character and preservation of scenic values in the town, site plan must include review of the exterior facade and design of the building. The Planning Board will review the design which includes the roof style, windows, landscaping, and other exterior features.

### **E. Engineering Plans:**

The Planning Board may require, as appropriate and within reason, engineering plans prepared by a licensed professional engineer to illustrate and describe such developmental aspects as: road improvements, stormwater management and drainage systems, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary. Coincident to preparing any such plans, the applicant shall provide the Planning Board with an estimate of the total cost of site improvements confirmed by the Code Enforcement Officer or Town Engineer.

### **F. Mobile Home Park and Trailer Camp Site Plans:**

A detailed plan drawn to a scale of one hundred (100) feet to one inch or larger, as appropriate, is to be submitted. This plan shall include a topographical base map showing the

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location of roadways, streams, water bodies, wetlands, property boundaries and other pertinent information. The plan shall also show the location and widths of all entrances, exits, streets and walkways; the location, size and arrangement of each lot within the park; the method and plan for electric lighting; the location and plan of all proposed structures and improvements; any proposed grading and plans for landscaping; any proposed storm drainage; any proposed utilities, wells, or septic systems; and any public improvements proposed by the Town in or adjoining the proposed park. In addition to the required site plan(s), the applicant shall submit a copy of the license application, certified as complete by the Town Clerk, for the mobile home park or trailer camp.

## **8. Acceptance of Site Plan Application**

The Planning Board shall, within forty-five (45) days of its receipt of a site plan application determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies.

## **9. Segmentation**

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

## **10. Referral to Other Agencies and Board**

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

## **11. SEQR Compliance**

For the purposes of SEQR (6 NYCRR Part 617), no application shall be considered complete until a negative declaration has been issued or until a draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.

## **12. Public Hearing on Site Plan**

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The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the Planning Board's acceptance of the complete site plan application. A complete application shall consist of the submission requirements of this law in Article C.6 and 7 as may be modified by the Planning Board; compliance with SEQR as specified in Article C.11; and receipt of any review fees as specified in Article C. 5. Notice of the public hearing shall be advertised in the town's official newspaper at least five (5) and not more than fifteen (15) days before the hearing. In addition, notice of the public hearing shall be mailed to all landowners located within 100' of the exterior boundary of the subject property at least ten (10) days prior to the hearing. The applicant shall bear the costs of the mailings. The town shall be responsible for the mailings.

### **13. Planning Board Action on Site Plan**

Following conclusion of the SEQR process, and within sixty-two (62) days of the close of the public hearing on the site plan application, the Planning Board shall render its decision to either approve, approve with modifications, or disapprove the site plan. The time within which the planning board must render its decision may be extended by mutual consent of the applicant and the planning board.

- A. **Approval.** Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail.
- B. **Approval with Conditions.** The Planning Board may approve the site plan with specific conditions that must be met as part of the approval.
- C. **Approval with Modifications.** The Planning Board may approve the site plan and require that specific modifications be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail. Upon approval and after payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the site plan and shall immediately file the site plan and a written statement of approval with the Town Clerk.
- D. **Disapproval.** Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail along with a letter stating the Planning Board's reasons for disapproval.

### **14. Site Plan Revision**

Any proposed changes or modifications to an approved site plan shall require review and approval by the Planning Board. An application for a Site Plan Revision shall include the approved site plan, the proposed site plan, and all information related to the requested modifications. If the proposed revisions are not extensive and can be clearly illustrated as an addendum to the approved site plan, either as a physical overlay sheet or through the use of computer-aided design, the applicant is encouraged to meet with the planning board to discuss

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this approach.

## **15. Expiration of Site Plan Approval**

No work of any sort shall be commenced until a building permit is issued, if one is required for any part of the site plan. Any approval of a site plan or alteration of a site plan hereunder, whether or not a building permit is required, shall expire ONE year from the date such approval is signed by the Chairman of the Planning Board (if no building permit has been issued by the Town of Hunter), unless prior to such expiration the applicant shall have filed a written request for an extension of the site plan approval with the Planning Board. The Planning Board at a meeting by majority vote of the full membership of the Planning Board shall determine such request for an extension using the following criteria:

- A. It shall grant the request if the applicant has filed an application with another Municipal agency for a permit that is required before a building permit can be issued, and such application has not been granted or denied by the time of the original expiration of the site plan.
- B. It may grant the request if the applicant can establish good cause for the extension. In no event shall any site plan approval be extended in excess of one year from the date the request for extension is approved.

## **ARTICLE F. REVIEW ELEMENTS AND DESIGN GUIDANCE**

### **1. Review Elements**

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. Additionally, the Planning Board shall ensure:

- A. The overall impact of the site's development on the neighborhood and community character, including furtherance of the goals of the Town Comprehensive Plan and Mt. Cloves Scenic Byways Management Plan.
  - B. Protection of the scenic values, rural character, visual qualities of Hunter's landscape and historic character.
  - C. Compatibility to existing public facilities, road network and development patterns.
  - D. The adequacy and arrangement of access and circulation within the site and with the surrounding street network, including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkways, and pedestrian convenience.
  - E. The compatibility of buildings, lights, and signs in terms of location, arrangement, size, and design.
  - F. The adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways.
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- G. Safe pedestrian access.
- H. Adequacy of measures proposed to protect environmentally sensitive areas.
- I. Protection of ambient noise conditions.
- J. The adequacy of water supply and sewage disposal facilities.
- K. The type, size and locations of vegetation to be planted.
- L. The retention of existing trees, wooded areas, watercourses, and other natural features to the maximum extent possible.
- M. The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness, or other environmental hazards or objectionable features.
- N. Adequate, year-round accessibility to the site and the provision of fire lanes, other emergency zones, and fire hydrants.
- O. The adequacy of exterior storage and parking and loading areas and the management of their visual impacts on adjacent lots and streets.
- P. Compatibility with neighborhood character and overall rural character.
- Q. In the case of an apartment complex or other multiple family dwelling, the adequacy of usable open space for play areas and informal recreation.

## **2. Design Guidance**

In support of the above review elements, the following design guidelines are intended to further support the Planning Board in meeting the objectives of this law.

### **A. Environmental Considerations**

The design of sites to be developed shall to the maximum extent feasible, avoid areas where the following conditions are present:

- 1) Slopes greater than fifteen percent (15%).
  - 2) Bedrock less than five (5) feet from the surface and areas of frequent rock outcrops.
  - 3) Areas of high groundwater (seasonal or permanent).
  - 4) Soils with excessively slow or fast percolation. Refer to Soil Survey Reports available from the Greene County Soil and Water Conservation District (GCSWCD) or the Natural Resources Conservation Service (NRCS).
  - 5) Flood hazard areas.
  - 6) State and federally regulated freshwater wetlands.
  - 7) Fringes of water bodies or watercourses.
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- 8) 100 year flood plains
- 9) Vernal Pools
- 10) Stream Buffer Areas
- 11) Critical or Rare Habitats
- 12) Unfragmented Forest Areas

All of the above items are referenced in the Town of Hunter Site Design Guidelines for Water Quality protection packet.

#### **B. Drainage, Grading, Erosion**

- 1) Site Design Guidelines for Water Quality Protection are included in the Site Plan Review application packet. This guide describes Better Site Design (BSD) and Low Impact Development (LID) practices. These practices should be employed to the extent practicable in site development in order to encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent practicable.
- 2) Based on the size and location of proposed site plan development, projects shall be subject to the Stormwater Management and Erosion and Sediment Law of the Town of Hunter, or additional permits, which include but are not limited to a NYCDEP stormwater pollution prevention plan; DEC wetland, stream crossing, or stormwater permits; or requirements and permits of the Town of Hunter Floodplain Development Law.
- 3) In reviewing the proposed site development plan, the Planning Board shall consult the GCSWCD, NYSDEC, NYCDEP, or other qualified assistance providers to help ensure the environmental integrity of the site is preserved, to the maximum extent and as required by law. If the applicant must secure a permit from another agency, the Planning Board may request evidence that such permit(s) has been secured or, if the permit is under review, the Planning Board may condition its approval of the site plan upon the granting of such necessary permits.

#### **C. Site Access**

- 1) Site plan approval shall be conditional upon the applicant obtaining any necessary highway work or access permits from the jurisdictional permitting authority, e.g. state, county, or town highway departments.
  - 2) The following access guidelines should be met to the extent practicable:
    - a. Access drives shall be constructed and maintained so as to provide for year-round access.
    - b. There shall be a minimum distance of thirty-five (35) feet between proposed and
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existing driveways on public roads.

- c. Driveways shall be combined and shared wherever possible to minimize the number of access points onto public roadways.
- d. There shall be a minimum of one (1) and a maximum of two (2) driveway entrances per developed lot.
- e. No driveway centerline shall intersect a road less than seventy (70) feet from the intersection of any two (2) roadways.
- f. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- g. The minimum maintained width of driveways shall be eighteen (18) feet which allows for ingoing and outgoing vehicles to pass one another safely.
- h. If the site has no frontage on a public road, a legal method of access must be provided and is subject to the approval of the town attorney.
- i. Permeable surfaces should be used on driveways to the maximum extent practicable.

#### **D. Traffic and On-Site Circulation**

- 1) Where increases of traffic may have the potential for adverse impacts to the site, its users, and the surrounding area, the Planning Board may require the applicant to complete a traffic study. The Planning Board may also require the applicant to provide traffic improvements as a condition of site plan approval, or, as pertinent, alter the design of the proposed development.
- 2) In order to minimize turning movements onto or from public roadways, the Planning Board shall encourage the interconnection of parking areas via access drives within and between adjacent commercial uses. Site plans should demonstrate a layout which would permit future connections, if appropriate.
- 3) The Planning Board may require striping or other markings to facilitate on-site circulation, help avoid conflicts between vehicles and pedestrians, and create separation of site features, including individual parking spaces, loading areas, pedestrian walkways, and entrances and exits.
- 4) The Planning Board may require sidewalks where deemed necessary and appropriate.
- 5) Loading docks shall be set sufficiently far back from the road to permit the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic. Sufficient space within the site shall be provided to accommodate the safe circulation of vehicles and pedestrians while trucks are unloading or loading.
- 6) Uses with drive-up customer services may require additional space or special design to accommodate additional vehicles.

#### **E. Sewage Treatment and Water Supply**

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- 1) All site development plans relating to water supply and wastewater treatment shall comply with local Board of Health, NYS Department of Health, NYS Department of Environmental Conservation and NYCDEP standards, as applicable.
- 2) Where applicable, sewer system permits are required prior to issuance of the building permit for any site development.

**F. Off-Street Parking**

- 1) Off-street parking shall be provided to adequately assure the safe and convenient parking of vehicles out of the road right-of-way and in such manner as to afford safe pedestrian access to buildings without traversing a traveled right-of-way.
- 2) Where possible, parking areas should be located to the sides or rear of the business. Shared parking arrangements are encouraged where feasible.
- 3) The site plan shall provide an appropriate number of handicapped parking spaces, as per the Americans with Disabilities Act.
- 4) As guidance, the following table outlines parking standards that are intended to promote efficient and safe site design and land use. The Planning Board will determine the appropriate parking based on the project’s location, type and size.

**Table 1. Off-Street Parking Guidelines**

Use	Recommended Off-Street Parking Spaces
Residential	2 for each dwelling unit
Place of worship, theater, athletic field, auditorium, other places of assembly	1 for each 4 seats or pew in places without seats, 1 for each 100 sq. ft. of floor space used for public assembly, 1 per 3 theater seats.
Alternate care facilities, hospitals and nursing homes	1 per 1.5 beds for hospitals; per 3 beds for alternate care facilities, plus one space for each employee
Golf course, bowling alley	2 for each tee or alley
Centers of public amusement	1 per 200 sq. ft. of floor space
Industrial areas and research development laboratories	1 per 300 square feet
Retail or service business, < 25,000 sq. ft.	1 for each 150 sq. ft. of gross floor area
Retail uses or commercial center > 25,000 sq. ft.	1 for each 250 sq. ft.
Restaurant	1 for each 2 seats

Professional Office	1 for each 300 sq. ft. of gross floor area.
Bank	1 for each 200 ft. of gross floor area, plus 3 temporary waiting spaces of 15 ft. each for each drive up window
Hotel/motel/inn, bed and breakfast	1 for each guest sleeping room, plus 1 for each 1.5 employees
Funeral home	1 space per 5 auditorium seats
Animal hospital or veterinary clinic	1 per 400 sq. ft. of gross office floor area
Motor vehicle repair establishments	2 spaces per service bay
Mobile home parks and trailer camps	1 per mobile home/ trailer lot; 1 additional space at strategic and convenient locations for guests, delivery and service vehicles, provided in bays with adequate maneuvering space, per every two mobile homes.

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#### **G. Preservation of Site Features and Landscaping**

- 1) The existing natural vegetation cover shall be maintained wherever possible, during construction of the development and throughout the duration of the use.
- 2) Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering and generally seek to blend the proposed use with the character of the Town.
- 3) A project should minimize the alteration of existing drainage areas and drainage features such as on-site watercourses and wetlands, drainage channels and swales.
- 4) A landscape plan shall include plant selection suitable for the specific site. Native species of plants shall be included in the plan whenever possible; plants identified to be invasive should be avoided.
- 5) Pedestrian pathways shall be covered with crushed stone, bark, gravel, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
- 6) Site design, whenever possible, should take advantage of opportunities to screen and buffer the proposed development from adjacent sites. Adequate screening and buffering through the use of plant materials or other means (e.g. earthen berm, wall, or fence) may be required by the Planning Board to mitigate visual and noise impacts to adjacent sites and roadways. Screening may also be required to hide visual impacts of site features, such as dumpsters and loading docks.

#### **H. Signs**

Site plan development proposals shall contain appropriate signage to ensure safety, provide

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directional information, and advertise the nature of the business on premises. All signs must meet the requirements of the Town of Hunter Sign Law.

## **I. Lighting**

Adequate lighting shall be provided on the site to ensure safe movement of persons and vehicles and for security purposes. Lighting shall conform to the following standards:

- 1) Lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties.
- 2) The style of the lamp fixture and pole should be consistent with the architectural style of the building.
- 3) The maximum height of freestanding lights should not exceed twenty (20) feet.
- 4) Light fixtures shall be down lights that shield the light source, minimize glare and light trespass onto adjacent properties, and facilitate better vision at night.
- 5) Lighting specifications shall designate Full Cut Off or Fully-Shielded fixtures.
- 6) Light levels at the property line should not exceed 0.05 footcandles adjacent to residential properties and 0.1 footcandles adjacent to commercial properties.

## **ARTICLE G. SITE PLAN REVIEW STANDARDS FOR SPECIFIC USES**

### **1. Home Occupations**

- A. One sign, not exceeding 2 square feet in area, is permitted on the premises to identify the home occupation.
- B. There shall be no exterior display or storage of goods, materials, equipment or inventory.
- C. No offensive noise, vibration, dust or odor, heat or glare shall be produced.
- D. Adequate off-street parking must be provided. At a minimum, there shall be two (2) spaces for the residential use, plus one space for each two hundred (200) sq. feet of floor space of the home occupation.

### **2. Mobile Home Parks**

- A. Certification by the Code Enforcement Officer that design, layout, and proposed infrastructure and improvements meet any applicable rules and regulations of the New York State Department of Health, the New York State Uniform Fire Prevention and Building Code, or the Town of Hunter; and, as applicable, written approval from the New York State Department of Health, or any other permitting agency, for the proposed water and sewage systems. Such certification must accompany any site plan review approval issued by the planning board for a mobile home park.
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- B. The park shall be located in areas where grades and soil conditions are suitable for use as mobile home sites.
- C. The park shall be located on a well-drained site which is properly graded to insure rapid drainage and be free at all times from stagnant pools of water.
- D. The park shall be free from heavy or dense growth of brush and woods.
- E. The park should be at least two acres in size, 125 feet frontage on public road.
- F. Each mobile home park shall be marked off into mobile home lots.
- G. The total number of mobile home lots in a mobile home park should not exceed five (5) per gross acre.
- H. Each mobile home lot should have a total area of not less than 8,000 square feet with a minimum dimension of 70 feet.

I. Mobile Home Location

- 1) Each should be located:
  - a. At least thirty feet from an adjacent mobile home in any direction.
  - b. At least thirty feet from an adjacent property line.
  - c. At least one hundred feet from the right-of-way of a Public Street or highway.
  - d. At least ten feet from the nearest edge of any roadway location within the park.
- 2) Only one mobile home shall be permitted to occupy any one mobile home lot.

J. Mobile Home Installation

- 1) All mobile homes must be constructed and installed in accordance with regulations adopted by the federal government and, as applicable, all New York State laws and regulations and the NYS Uniform Fire Prevention and Building Code. Requirements for installation shall include completion of any and all applicable training and certification for the installer as well as any applicable inspection requirements such as pre-, during, and post-installation.

K. Accessibility

- 1) Each mobile home park shall be easily accessible from an existing public highway or street. Where a mobile home park has more than sixteen mobile homes, two points of entry and exit shall be provided, but in no instance shall the number of entry, and exit points exceed four.
    - a. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
    - b. All entrances and exits shall be at right angles to the existing public highway or
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street.

- c. All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
  - d. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
- 2) Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the park. Streets shall be improved to a least meet Town of Hunter specifications.
    - a. The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
    - b. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
    - c. All streets shall intersect at right angles.
    - d. All streets shall have the following minimum widths: 12 feet for one-way traffic movement; 20 feet for two-way traffic movement.
  - 3) Except in cases of emergency, no parking shall be allowed on such streets.
  - 4) An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine feet.

L. Utilities and Service Facilities

- 1) The following utilities and service facilities shall be provided in each mobile home park which shall be in accordance with the regulations and requirements of the New York State Department of Health and the Sanitary Code of New York State.
    - a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the park to meet the requirements of the park. Each mobile home lot shall be provided with proper water connections.
    - b. Each mobile home lot shall be provided with a sewer connection to receive all wastewater from the mobile home. The sewer shall be connected to a public or private wastewater system in accordance with NYS Department of Health Regulations and any other applicable regulations. Sewer connections in unoccupied lots shall be sealed to prevent the emission of any odors and the creation of breeding places for insects. Proposed mobile home parks containing six or fewer lots may be serviced by individual onsite wastewater treatment systems, provided that each lot be of sufficient size to accommodate a septic systems and drainfield and that the soil meets percolation tests in accordance with NYS Department of Health regulations and any other applicable regulations.
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- c. Wildlife-secured trash receptacles shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The receptacles shall be kept in sanitary condition at all times. The receptacles shall be located no further than two hundred feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure such receptacles shall not overflow.
- 2) Unless adequate laundry facilities are available within ten miles of the park, laundry facilities shall be provided at strategic location or locations for the convenience of the occupants of the mobile homes. Such facilities shall be equipped with at least one washing machine and one dryer per sixteen mobile homes. Such facilities shall be housed in a permanent structure or structures which shall be adequately lighted, heated, ventilated and sanitarily maintained.
- 3) Other service buildings shall be provided as deemed necessary for the normal operation of the park; however, such buildings shall be maintained by owner or manager of the park in a clean, slightly and sanitary condition.
- 4) Each mobile home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
- 5) Each mobile home park shall be provided with at least one emergency telephone accessible at all times.

#### M. Open Space

- 1) Each mobile home park shall provide common open space for the use by the occupants of such park for recreation and leisure purposes only.
- 2) Such open space shall be conveniently located in the park and should have a total area equal to at least ten percent of the gross land area of the park.
- 3) The Planning Board may require suitable fencing and landscaping of such areas for screening or safety purposes.
- 4) Any open space area shall be owned by and maintained by the mobile home park property owners.

#### N. Landscaping

- 1) Lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.
  - 2) Planting shall be provided to the extent needed in order to provide the screening of objectionable views, adequate shade and a suitable setting for the mobile homes and other facilities.
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- a. Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities, other non-resident uses, garbage storage and collection areas, and all abutting yards of adjacent properties.
- b. Other planting shall be provided along those areas within the park which front upon existing public highways and streets to reduce glare and provide pleasant outlooks for the living unit.

### **3. Trailer Camps**

A. Certification by the Code Enforcement Officer that design, layout, and proposed infrastructure and improvements meet any applicable rules and regulations of the New York State Department of Health, the New York State Uniform Fire Prevention and Building Code, or the Town of Hunter; and, as applicable, written approval from the New York State Department of Health, or any other permitting agency, for the proposed water and sewage systems. Such certification must accompany any site plan review approval issued by the planning board for a trailer camp. Note that Temporary Travel Trailer (RV) camps are exempt from Site Plan review.

#### **B. Trailer Lots**

- 1) Each trailer camp shall be marked off into trailer lots.
- 2) The total number of trailer lots in such camp should not exceed twelve per gross acre.
- 3) Each trailer lot should have a total area of not less than 2,500 square feet with a minimum dimension of thirty feet.

#### **C. Travel Trailer Location**

- 1) Any travel trailer shall not be parked or otherwise located nearer than a distance of at least twenty feet from an adjacent travel trailer in any direction.
- 2) Only one trailer shall be permitted to occupy any one trailer lot.

#### **D. Travel Trailer Stand**

- 1) Each trailer lot shall have a travel trailer stand which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.
- 2) The stand shall be of sufficient size to fit the dimensions of anticipated travel trailers.
- 3) The stand shall be constructed of an appropriate material which is durable, compacted and adequate for the support of the maximum anticipated loads.
- 4) The stand shall be suitably graded to permit the rapid drainage of surface water.

#### **E. Accessibility**

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1) The provisions found in Article F. 2. K shall apply.

F. Utilities and Service Facilities

- 1) The following utilities and service facilities shall be provided in each trailer camp which shall be in accordance with the regulations of the New York State Department of Health and the New York State Uniform Fire Prevention and Building Code.
  - a. An adequate supply of pure water for drinking and domestic purposes shall be supplied to a suitable permanent building within the camp to meet the requirements of such camp.
  - b. Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, the facilities shall be separated by insulated walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.
  - c. Such toilet and other sanitary facilities shall be provided in accordance with the State Sanitary Code.
  - d. Lavatory and shower facilities shall be supplied with hot and cold running water.
  - e. The buildings housing such toilet and sanitary facilities shall be well lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of moisture proof material; shall be well heated; and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of water impervious material.
  - f. Such buildings shall not be located nearer than twenty feet nor further than two hundred feet from any travel trailer.
  - g. Wildlife-secured trash receptacles shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The receptacles shall be kept in sanitary condition at all times. The receptacles shall be located no further than two hundred feet from any travel trailer lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure such receptacles shall not overflow.
  - h. Waste from all buildings and trailer lots shall be discharged in an approved public or private sewer system, in such manner so as to not present a health hazard.
  - i. Each travel trailer lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

G. Open Space

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- 1) The provisions found in Article F. 2. M shall apply.

#### H. Landscaping

- 1) The provisions found in Article F. 2. N shall apply.

### **4. Travel Trailers Located in Mobile Home Parks**

All travel trailers, which are to be placed on the same legal parcel of land with mobile homes shall be arranged into a trailer camp as defined in Article B of this local law. When a trailer camp and mobile home park are to be combined on the same legal parcel of land, such trailer camp and Mobile Home Park shall have separate physical locations on the parcel of land.

#### A. Mobile Home Park

When the parcel of land is divided for Mobile Home Park and trailer camp uses, the provisions contained in Article F.2 of this local law shall apply to that portion of the land to be used as a mobile home park, except as herein provided.

#### B. Trailer Camp

When the parcel of land is divided for Mobile Home Park and trailer camp uses, the provisions contained in Article F.3 of this local law shall apply to that portion of the land to be used for a trailer camp, except as herein provided.

#### C. Additional Requirements

- 1) The parcel of land, which is to provide for both a mobile home park and a trailer camp, shall be at least four acres in size.
- 2) Where practicable, that portion of the land to be used as a trailer camp shall be located adjacent to a public highway or street.
- 3) The trailer camp and mobile home park shall be physically separated by a parcel of land of at least fifteen feet in width along all areas where the trailer camp abuts the mobile home park. Such parcel of land shall be properly landscaped with appropriate planting materials so that the view of such trailer camp from the mobile home park is adequately screened.
- 4) Where practicable, the trailer camp and the mobile home park shall each have separate points of entry and exit. Where the parcel of land fronts on two or more existing public highways or streets, the trailer camp shall be located adjacent to the public highway or street that is most heavily traveled.

### **5) Junkyards and Scrap Facilities**

Site plan applications for Junkyards and Scrap Facilities shall be reviewed in accordance with applicable local laws.

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## **ARTICLE H. ADMINISTRATION AND ENFORCEMENT**

### **1. Site Plan Compliance**

The Code Enforcement Officer shall not issue a building permit until the Site Plan has been approved by the Planning Board and signed by the Planning Board Chairman. No certificate of occupancy shall be issued by the Code Enforcement Officer until all improvements are constructed in conformity with the approved site plan and any conditions imposed on that approval, or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.

### **2. Code Enforcement Officer**

The Code Enforcement Officer, appointed by the Town Board, is responsible for carrying out the duties assigned by this local law. The Code 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.

### **3. Amendments**

- A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.
- B. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendations. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed.

### **4. Enforcement**

- A. A violation of this law is hereby declared to be an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate violation.
- B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.

### **5. Appeals**

Any person aggrieved by the decision of the Planning Board on a site plan application, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice

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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.

Any person aggrieved by the decision or determination of the administrative official charged with the enforcement of the applicability of this law may apply to the town board for an interpretation of this law. Such aggrieved person shall comply with any appeal procedures as set by the town board. The town board, upon hearing the appeal, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

## **6. Waivers**

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

## **7. Severability**

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

## **8. Conflict with Other Laws**

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply.

## **9. Repealer**

The following local laws and all amendments thereto are hereby repealed:

Local Law #1 of 1988, "The Site Plan Review Local Law of the Town of Hunter, New York."

Local Law # 4 of 2016, "Site Plan Review Law"

## **10. Effective Date**

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

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