

**Town of** Little Falls

**Local Law No.** 1 **of the year 2015**

**A local law** “Town of Little Falls Site Plan Review Local Law” **Be it enacted by the**  
**Town Board** of the Town of Little Falls **as follows:**

**THIS LOCAL LAW REPEALS SITE PLAN REVIEW LOCAL LAW #1-2010**

SITE PLAN REVIEW LOCAL LAW

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## **ARTICLE I: GENERAL PROVISIONS**

### Section 105. Enactment and Authorization

The Town Board of the Town of Little Falls, Herkimer County, New York, does hereby ordain and enact the Town of Little Falls Site Plan Review Law pursuant of the authority and provisions of Section 10 of the Municipal 1-Home Rule Law and Section 274-a of the Town Law.

### Section 110. Title

This local law shall be known as the “Town of Little Falls Site Plan Review Local Law #1 of 2015.

### Section 115. Intent and Purpose

The intent of this local law is to promote the health, safety, and general welfare of the Town through site plan review. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.

The further intent of this local law is to ensure that optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the Town through review and approval 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 guarding neighboring properties against intrusive development impacts.

### Section 120. Planning Board Authority to Review Site Plans

The Planning Board is hereby authorized to review and approve with or without 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.

### Section 125. Interpretation, Conflict, and Severability

- A. In their interpretation and application, the provisions of this law shall be held to be the minimum requirements. More stringent provisions may be required, if in the sole opinion of the Planning Board, different standards are necessary to promote the public health, safety, and welfare.
- B. Where the conditions imposed by any provisions of this law are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this law or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. The provisions of this law are severable. If a section, sentence, clause, or phrase of this law is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this law.

## **ARTICLE II: DEFINITIONS**

### Section 205. Purpose

Unless otherwise expressly stated, the following terms shall, for the purpose of this law, have the meanings herein indicated.

### Section 210. Definitions

**Access:** entrance way for vehicles to leave or enter a property or lot from a public highway or private road.

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

**Agricultural Structure:** a structure designed and constructed to house farm or forestry implements, hay, grain, poultry, livestock, or other horticultural or wood products. This structure may not be a place of human habitation, but can be used for occasional or seasonal processing, treating, or packaging, of agricultural or forest products. Personal riding arenas not intended for use by the public are considered to meet this definition and therefore are eligible for this exemption.

**Agricultural Use:** agricultural uses shall include, but are not limited to the following:

- Livestock shelters or buildings, including shade structures and milking barns.
- Poultry buildings or shelters.
- Barns used for agricultural purposes as defined above.
- Storage of equipment and machinery used exclusively in agriculture.
- Horticultural structures, including detached production greenhouses and crop protection shelters.
- Sheds used for agricultural purposes.
- Grain silos.
- Stables used to house farm animals.
- Regular maintenance of agricultural commodities such as watering plants, cleaning out manure, feeding animals and basic building maintenance.

**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.

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

**Aquifer:** an underground geologic formation that contains and transmits groundwater.

**Area, Building:** the total area taken on a horizontal plane at the main grade level of the principle

building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Area, Floor: the total interior floor space of a structure measured in square feet.

Area, Lot: the total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

Average Daily Traffic: the average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

Average Peak Hour Traffic: the average number of vehicles per hour, at the time of peak traffic volume, that enter and leave the premises or travel over a specific section of road.

Base Floodplain: see "100 Year Floodplain"

Billboard: see "Sign, Advertising".

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, mobile homes, and modular homes.

Building Area Coverage: the percentage of the lot area covered by the combined area of all buildings on the lot.

Building, Principal: the building on a lot that houses the primary use on a parcel of land.

Change of Use (Conversion): the change of use or occupancy of a building from residential, agricultural, commercial, or industrial to one of the other uses, or a change in the intensity of the same use.

Co-Location: the mounting of Personal Wireless Service Facilities used by two or more persons, firms or corporations on the same equipment mounting structure.

Commercial Use: activity involving the sale of goods or services.

Communication Tower: a freestanding structure principally intended to support facilities for the receipt and/or transmission of signals for uses such as commercial or public VHF or UHF television, AM or FM radio, two-way radio, commercial carriers, cellular telephone, fixed-point microwave or low power television, including accessory equipment related to the communication application. A communications tower shall not include towers and supportive structures for government or private entities, noncommercial and amateur purposes, including but not limited to ham and citizens band radios.

Cul-de-sac: a designated turn-around area for vehicles at the end of a street or road.

**Curb-cut:** a defined opening to provide vehicular access from a public highway to a lot or property.

**Drainage:** a system of swales, ditches, sheet drainage, and culverts, catch basins and piping to convey storm water 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.

**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.

**Egress:** a one-way access from a property leading onto a public highway or private road.

**Environmental Assessment Form (EAF):** a form used to determine whether a project would have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, preparation of either a short or long SEQR Environmental Assessment Form may be required.

**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.

**Equipment Mounting Structure:** any structure used primarily to support reception or transmission equipment including, but not limited to, antenna support structures, towers and monopoles.

**Erosion:** the wearing away of surface soils by action of wind or water.

**Erosion Control:** use or re-planting, re-vegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion

**Fire Lane:** access for emergency firefighting vehicles.

**Flood Hazard, Area of:** land within a community subject to a one percent (1%) or greater chance of flooding in any given year, also commonly referred to as the base floodplain or the 100 year floodplain.

**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.

**Grading:** the alteration of land for site development purposes including, but not limited to the construction of roads, buildings, drainage facilities, and parking areas.

**Gross Floor Area:** the total interior area of a building, multiplied by the number of floors.

**Highway Work Permit:** statement of approval by the authorized agency (State, County or Town) for proposed work in the road right-of-way.

**Impervious Surface Coverage:** the percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with paved surface or other surface treatment that is impervious to water.

**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 or such goods.

**Ingress:** a one-way access from a public highway or private road leading into a lot or property.

**Junkyard:** a lot, land or structure, or part thereof used for the collection, storage, and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of parts thereof or for the storing or abandonment of more than one unlicensed or unregistered motor vehicle for six (6) months or more.

**Leaching:** natural process by which water soluble substances (such as calcium, fertilizers, and pesticides) are washed out from soil or wastes.

**Lot:** a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**Lot Coverage:** the percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

**Mobile Manufactured Home:** a mobile manufactured home is a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air—conditioning and electrical systems contained therein. Every mobile manufactured home shall bear a plate of Approval from HUD.

**Mobile Home Park:** a residential use in which two (2) or more mobile manufactured homes are located on a single property.

**Net Floor Area:** the total usable interior floor area of a structure (excludes such elements as walls, stairwells, elevators, etc.).

**Off Street Parking:** area provided for parking off any public or private road.

**Owner/Operator:** any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Parking Space:** an open space other than a public or private street or way exclusively for the parking of motor vehicles and or trailers.

**Peak Hours of Operation:** the busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

**Peak Season:** the weeks or months or any period within an average year when the most activity occurs for a given use, group of uses or an area.

**Person:** any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Personal Wireless Service:** commercial mobile services, unlicensed wireless services, and common carrier wireless exchange as defined in 47 U.S.C. Section 332(c)(7) definitions.

**Personal Wireless Service Facilities:** facilities for the provision of personal wireless services as defined in 47 U.S.C. Section 332(c)(7) definitions.

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

**Principal Use:** the main use of a lot or structure.

**Public Utility Station or Structure:** a facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage, collection of other such services to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include offices or administration buildings.

**Residential Accessory Structures:** those structures incidental and subordinate to the residential use of the land, including, but not limited to:

- Children's playhouses, patios, decks, fences, landings, porches, gazebos, outdoor gardens, storage sheds, swimming pools, greenhouses, solar panels, flag poles; private pools, tennis courts, spas and hot tubs; domestic animal keeping; exotic animal keeping, permitted signs; the parking or temporary storage of operative automobiles, light trucks, boats, and motorcycles; and other accessory uses and structures which are determined by the Planning Board to be necessary, customary and incidental to the residential use of the lot or parcel.
- Residential Accessory Structures shall not include mobile storage trailers, storage structures or cargo boxes designed or serving as commercial shopping or cargo containers, truck trailers or boxes; and semi-tractors and cargo trailers.

**Road, Private:** an access drive or roadway that is longer than five hundred (500) feet, privately



owned and maintained, and not meant for use by the general public.

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 that 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 used road.

Roadway Edge: the edge of one-half of the road from the centerline.

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 lesson noise impacts from a particular site or from adjacent land uses.

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 that may result in pollution, murkiness, accumulation, and blockage.

Separation Distance: distance between the two closest points of reference between two facilities, structures, uses or properties (e.g., the distance between an on-site septic system absorption field and a well).

Septic System: a subsurface sewage disposal system, which consists of a septic tank and septic field, in which 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.

State Environmental Quality Review (SEQR): 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, subject to current revisions.

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 of public office notices

