

ARTICLE 7
SITE PLAN REVIEW

A. Intent:

The intent of the Site Plan Review process is to ensure the orderly and safe arrangement, layout, and design of a proposed project.

B. Authorization:

In accordance with Village Law §7-725-a, the Village of Victory Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove plans for new land use activities within the Village hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Local Law.

C. Applicability:

The following land use activities shall, prior to the issuance of a Building Permit or Certificate Of Occupancy, receive Site Plan Approval from the Planning Board:

1. All uses listed as requiring Site Plan Review in Article 4.
2. All uses specified as requiring Site Plan Review in Article 5.
3. All proposed Planned Development Districts, pursuant to Article 4.
4. All uses granted a variance by the Zoning Board of Appeals and required by the Zoning Board of Appeals to undergo Site Plan Review pursuant to Article 9.

D. 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. More specifically, the Planning Board shall ensure:

1. The adequacy and arrangement of access and circulation including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkway, and pedestrian convenience.
2. The buildings', lights', and signs' compatibility in terms of location, arrangement, size, and design.
3. The adequacy of storm water and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways.

4. The adequacy of water supply and sewage disposal facilities.
5. The adequacy, type and arrangement of trees, shrubs and other landscaping.
6. The retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible.
7. The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features.
8. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. The adequacy of exterior storage and parking and loading areas and their screening at all seasons of the year from the view of adjacent residential lots and streets.

E. Stages of Submission:

The review of site plans is divided into three phases: pre-submission conference (optional), preliminary application, and final application.

1. Phase 1 – Pre-submission conference (optional):

The Code Enforcement Officer shall refer the prospective developer to the Secretary of the Planning Board who shall schedule a pre-submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre-submission conference is to give the Planning Board and the Applicant an opportunity to discuss the project before the Applicant commits significant outlays of time and money.

At the pre-submission conference the Applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the Applicant shall provide:

- a) A map showing the important existing natural and man made features in and around the site.
- b) A sketch plan showing the major features of the proposal.

2. Preliminary Site Plan Application:

The Applicant shall provide seven (7) copies of a preliminary site plan application in writing to the Planning Board. Scale of the site plan shall be one (1) inch equals fifty (50) feet, or in the case of large lots, as appropriate for the lot size and approved by the Planning Board. The preliminary application shall be accompanied by a fee as determined by the Village Board and posted in the Village Hall.

The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as it determined appropriate for the nature and scale of the proposed project. The pre-submission conference may be used to determine the application requirements. A licensed professional engineer, architect or land surveyor shall prepare the preliminary site plan, unless waived by the Planning Board:

- a) Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing.
- b) Boundaries of the property plotted to scale.
- c) Existing watercourses, wetlands, FEMA flood plains, landscaping and vegetative cover.
- d) Grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less.
- e) Location, use and height of all existing and proposed buildings.
- f) All existing and proposed means of vehicular ingress and egress to and from the site from and onto public streets.
- g) Design and construction materials of all parking and truck loading areas.
- h) Provision for pedestrian access.
- i) Location of outdoor storage, if any.
- j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- k) Description of the method of sewage disposal and location, design and construction materials of such facilities.
- l) Location of fire and other emergency zones, including the location of fire hydrants.
- m) Location, size, design and construction materials of all proposed signage.
- n) The proposed location, direction, power and hours of operation of proposed outdoor lighting.
- o) Designation of the amount of building area proposed for each use.
- p) Landscaping plan and planting schedule.
- q) Location and proposed development of all buffers areas, including indication of existing vegetative cover.

- r) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits.
- s) Completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

Within sixty-two (62) days of the receipt of a completed application for preliminary site plan review; the Planning Board may hold a public hearing on the preliminary site plan if it determines such action would be in the public interest. Within sixty-two (62) days of the public hearing, or sixty-two (62) days of receipt of an application if no public hearing is held, the Planning Board shall approve, disapprove, or approve with modifications the preliminary site plan application. The Planning Board's action shall be in the form of a written statement to the Applicant. Nothing herein shall be interpreted as stating a public hearing is required.

The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and submission to the Planning Board after it has been revised or redesigned.

3. Phase 3 - Planning Board Review of Final Site Plan Application:

After receiving approval, with or without modifications, of the preliminary site plan application, the Applicant shall submit a final site plan to the Planning Board for approval. The final site plan shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

Within sixty-two (62) days of the receipt of the final site plan application, the Planning Board shall approve or disapprove the final site plan application. Seven (7) copies of the final site plan application are required. A licensed professional engineer, architect or land surveyor shall prepare the final site plan, unless waived by the Planning Board.

Upon approval of the final site plan, the Planning Board shall endorse its approval on three (3) copies of the final site plan and shall forward one (1) copy to the Code Enforcement Officer and provide two (2) copies to the Applicant. Upon disapproval of a final site plan, the Planning Board shall notify the Applicant in writing of its decision and its reason for disapproval.

F. General Requirements:**1. Consultants:**

The Planning Board shall consult with those officials or consultants it believes necessary to provide a sound review of the proposal. The Board may charge a fee to the project Applicant for the cost of such review provided that the fee charged reflects the actual cost of the assistance to the Planning Board.

2. Referral to the County Planning Board:

Prior to taking action on the preliminary site plan application, if applicable the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239-m of the General Municipal Law. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have been lapsed since the County Planning Board received such full statements: Applicable uses include any site plan within five hundred (500) feet of:

- a) The boundary of any City, Village, or Town.
- b) The boundary of any existing or proposed County or State park or any other recreation area.
- c) The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
- d) The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines.
- e) The existing or proposed boundary of any County or State owned land on which a public building or institution is situate.
- f) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.

3. Compliance with the State Environmental Quality Review Act:

The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the site plan application. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

4. Performance Guarantee:

No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been

posted for improvements not yet completed. Such performance guarantee shall be posted in accordance with the procedures specified in Village Law §7-730.9 relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village Attorney, the Code Enforcement Officer, other local officials, or its designated consultants.

5. Waiver of Final Site Plan Application:

If the preliminary site plan is approved without modifications, the final site plan application may be waived by the Planning Board.