

## Article XII- Site Plan Review

### § 85 Purpose

Future development in the Town will influence the quality of life for all residents in Dunkirk. To ensure development conforms to the ~~Region's~~ **Town's** Comprehensive Plan, the following procedures for site plan approval have been established.

### § 86 Required Site Plan Review

Unless otherwise provided and as regulated by the Town of Dunkirk Subdivision Law, site plan review and site plan approval shall be required for all uses, buildings and structures that require site plan review and approval as outlined in this Chapter. The Town Board shall act upon site plans following review and recommendations from the Planning Board and a public hearing. Fees outlined and adopted by the Town will apply to all site plan reviews. Unless otherwise provided and as regulated by the Town's Subdivision Law, in all multi-family, commercial, industrial, open space, cluster and planned unit developments, as well as in any project requiring a zoning district amendment, a site plan approval shall be required:

- 1) for all new construction of structures other than one and two family units;
- 2) the erection or enlargement (over 20 percent of total floor space) of all buildings except one and two-family structures;
- 3) any change in use or intensity of use which will significantly impact the characteristics of the site, in the assessment of the Town Zoning Enforcement Officer and after careful review of this Chapter, in terms of parking, loading, access, drainage, utilities, traffic or other environmental impact for any commercial, industrial or multi-family use;
- 4) any use or structure in a flood hazard area;
- 5) all special permit, variance or rezoning applications.

### § 87 Procedure for Review and Approval

- 1) **Sketch Plan/Pre-Application.** Prior to submittal of a formal site plan and application, it is recommended that the applicant exercise their right to an informal preapplication conference with the Zoning Enforcement Officer, the Planning Board, and/or the Town Board for the purpose of discussing the proposed project and identifying any concerns prior to incurring design costs.
- 2) **Application Submittal.** The application and appropriate fees for site plan review shall be submitted to the Zoning Enforcement Officer. The content of the site plan **application package (application, plans, and any supporting information as noted in §88)** shall be reviewed by the Zoning Enforcement Officer prior to filing and distribution to staff, the Planning Board and Town Board to ensure completeness. **If the application is deemed incomplete, the package shall be returned to the applicant. For complete applications,** the applicant shall submit ten (10) copies of all plans and supplementary information; additional copies may be requested for additional review agencies.

Town of Dunkirk Zoning Updates

- a. Distribution by the Zoning Enforcement Officer will include:
    - i. Highway Superintendent;
    - ii. Fire Department;
    - iii. Police Department;
    - iv. Planning Board - one per member;
    - v. Town Board - one per member;
    - vi. Other review Agencies, as required or requested by the Planning Board (e.g. County Planning Department outside consultants).
  - b. Review agencies shall submit a report to the Planning Board seven (7) calendar days prior to the scheduled Planning Board meeting.
- 3) **Planning Board Action.** The site plan and supporting information shall be reviewed to ensure the plan is in conformance with this Chapter, the approved development plan, if one exists, and all other applicable laws. Within thirty (30) of calendar days of its receipt of a complete application for site plan approval, the Planning Board shall review the application, site plan and supporting data and, at a regular meeting of the Board, after determining that all requirements have been met, shall make a recommendation on the site plan to the Town Board to:
- a. approve or;
  - b. approve with modifications or conditions or;
  - c. disapprove.
- 4) **Town Board Action.** The Town Board, upon receipt of the recommendations of the Planning Board on the site plan shall:
- a. **Environmental Review.** Undertake a review as required under the State Environmental Quality Review Act (SEQRA), initially identifying the action and determining if a coordinated review is as necessary in accordance with SEQRA regulations. If chosen, the Town Board will declare its intent to act as Lead Agency and notify the other involved and interested agencies.
  - b. **Public Hearing.** Within sixty-two (62) of calendar days of its receipt of a complete application for site plan approval or renewal, the Town Board shall hold a public hearing; this time period may be extended by mutual consent of the applicant and Town Board.
  - c. **County Referral.** Notify County Planning as required under § 239-m of the General Municipal Law.
  - d. **Determination.** The Town Board's action shall be in the form of a written report of approval or disapproval of the site plan, giving due consideration to the Planning Board's recommendation(s). In approving the site plan, conditions limiting the use and the occupancy of the land or proposed buildings consistent with the Intent and purposes of this Chapter and other applicable laws may be imposed on the

**Commented [JS1]:** Is the intent for these entities to report back to the Planning Board or the Town Board?

**Commented [JS2]:** Redundant

**Commented [JS3]:** Not sure if this belongs here as a standalone or moved up to vi above. This depends on my previous comment whether or not all comments go to Planning Board then recommendations overall to Town Board for action.

**Commented [JS4]:** This is the first part of §91 moved up here as this is where it fits in the process. The part about "staff and other review agencies to provide comment to the Town Board" was removed as that is already noted above.

**Commented [JS5]:** This is the second part of §91 moved up here as this is where it fits in the process

development. If the site plan is denied approval, the Town Board shall state its reasons for disapproval. Approval of any site plan shall remain in effect for a period of not more than twelve (12) months unless a successful application for a building permit has been made within that period. One six (6) month extension may be granted to obtain the building permit.

- e. **Performance Bond as Condition of Approval.** For all commercial and industrial uses, the Town Board shall require, as a condition of site plan approval, the property owner to file a performance bond in such amount and form as determined by the Zoning Enforcement Officer and Highway Superintendent to ensure that the proposed development is built in compliance with the approved plans.

**Commented [JS6]:** Moved up from §92.

#### § 88 Submission of Site Plan and Additional Information

The site plan should include the following information, as deemed appropriate by the Zoning Enforcement Officer. The Zoning Enforcement Officer may waive requirements set forth in this section as deemed appropriate. The plan shall be prepared by a licensed engineer, architect, landscape architect or surveyor as appropriate:

- 1) application form, notes and other required written information;
- 2) title of drawings, including the name of the development, name, telephone number and address of applicant and the name of the person who prepared the drawing;
- 3) key plan, north point, professional stamp, scale (1" = 20' or other appropriate scale) and date;
- 4) zoning, land use and ownership of surrounding and adjacent properties, including all structures on adjacent and surrounding properties;
- 5) a boundary survey of the proposed development, plotted to scale and existing topographic features including contours, spot elevations, large trees, buildings, structures, streets, property lines, utility easements, rights of way and land use;
- 6) layout, number and dimensions of lots;
- 7) all lot dimensions including, but not limited to, lot frontage, lot area, building coverage, lot coverage, front yard, side yard, rear yard, building heights and floor area ratio, where applicable;
- 8) all improvement dimensions, including, but not limited to, access roads, snow removal/storage areas, parking areas, walkways, buildings, etc.;
- 9) existing and proposed streets, sidewalks and pedestrian paths immediately adjoining and within the proposed site and the names of all proposed streets;
- 10) location and dimensions of all parking, loading and stacking areas with access drive;
- 11) paving, including typical cross sections and profiles of proposed streets, pedestrian walkways and bike ways;

## Town of Dunkirk Zoning Updates

- 12) location, proposed use, height, building elevations, floor plans and finished floor elevations of all structures;
- 13) colors, materials, dimensions, access and rooftop plans of all structures;
- 14) location and proposed development of all open spaces, including parks, playgrounds, etc;
- 15) existing and proposed watercourses, direction of flow and the impact on the watershed;
- 16) drainage plan showing existing and finished grades, stormwater management plan and the impact on the watershed;
- 17) water supply plan, including existing and proposed location of fire hydrants;
- 18) sewage disposal method;
- 19) landscape plan indicating location, type and size of existing trees and vegetation, identifying those to be preserved or removed as well as the location, type and size of trees, vegetation and amenities to be provided;
- 20) location, design and illumination field of lighting, fences and walls;
- 21) location and dimension of all signs as required in this Chapter;
- 22) garbage screening and enclosures;
- 23) methods of barrier free access;
- 24) applicable pollution control;
- 25) size and location of hazardous storage areas;
- 26) location of bus stops and shelters;
- 27) proposed easements, restrictions, covenants and provisions for home owners associations and common ownerships;
- 28) estimated construction schedule and phasing plan for buildings, earth work and landscaping;
- 29) Tentative budgeting and financing sources.

**Commented [JS7]:** Lighting plan noted here (brought up prior)

### § 89 Additional Information Requirements

In addition to the required site plan and supporting data indicated in Article XII - Site Plan Review, the Planning Board or Town Board may request, of a property owner or their agent, additional supporting data or plans deemed necessary and relevant to carry out its responsibility for site plan review and provided in this Chapter.

### § 90 Criteria for Review and Recommendations

In considering and acting upon site plan reviews and approvals, the Town Board shall consider the public health, safety, welfare and comfort & convenience of the public in general, the residents of the proposed development and the residents of the immediate surrounding area. The Town Board may

Town of Dunkirk Zoning Updates

prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the following:

- 1) Compatibility - the character of proposed use is compatible with the surrounding neighborhood and in harmony with the ~~Region's~~ **Town's** Comprehensive Plan and Subdivision Law.
- 2) Vehicular Access - the number of proposed access points are not excessive; all access points are adequate in width, grade alignment and visibility; access points are not located too close to intersections or places of public assembly; and similar safety considerations are reviewed for all site plan approvals.
- 3) Parking - adequate off-street parking, queuing and loading spaces are provided to minimize the number of cars parked or standing on public roads.
- 4) Pedestrian Circulation - the interior circulation system is adequate to provide safe Accessibility to all parking areas and ensure adequate separation of pedestrian and vehicular traffic.
- 5) Landscaping and Screening - all parking, storage, loading and service areas on properties adjacent to residential areas are reasonably screened and the general landscaping of the site reflects the character of the neighborhood and surrounding area.
- 6) Natural Features - the proposed use is compatible with geologic, hydrologic and soil conditions of the site and adjacent areas and the existing natural scenic features are preserved to the greatest possible extent.
- 7) Public Facilities - the public facilities that service the proposed use, including water, sanitary sewer, drainage, roads and related facilities, parks and open space are adequate for the intended level of use.

§ 91 **RESERVED**

§ 92 **RESERVED** |

§ 93 **Site Plan Revisions**

Property owners wishing to make any changes in an approved site plan shall submit a revised site plan to the Town Board for review and approval.

§ 94 **RESERVED**

~~The Town Board shall adopt rules and regulations deemed necessary to administer this Article and all applications for site plan approval shall be submitted and reviewed in compliance with the submission requirements and review procedures of the Town of Dunkirk Town Board.~~ |

**Commented [JS8]:** Moved to §87 as part of the Town Board action on site plan approval.

**Commented [JS9]:** With the additional details on procedures noted above, I don't believe this is necessary. Whatever additional rules and regulations are necessary should be noted in §87.