

ARTICLE IX

Site Development Plan Review

1. Approval required; exceptions.

No site development plan approval shall be required for single structure one-family detached residences on a lot or for additions, alterations or structures accessory thereto.

All other principal uses, all special permit uses and all conditional uses shall require site development plan approval prior to the issuance of a building permit. No certificate of occupancy or certificate of use shall be issued unless all requirements of the site development plan approval have been fully met. No lot or parcel of land shall be used except in conformity with an approved site development plan, when required. Where required, site plans shall be referred to the Rockland County Department of Planning and other agencies.

2. Objectives.

In considering and acting upon site development plans, the Planning Board shall take into consideration the public health, safety and welfare, the impact on the environment, the comfort and convenience of the public in general and of

prospective occupants of the proposed development and of the immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order to further the expressed intent of this local law and accomplish the following objectives in particular:

- A. Traffic access. All proposed traffic access will be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other major access points; and other similar safety considerations.
- B. Circulation and parking. Adequate off-street parking and loading spaces will be provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking.
- C. Landscaping and screening. All recreation areas, parking and service areas will be reasonably screened or landscaped from the view of adjacent residential lots and streets at all seasons of the year. In addition, the Planning Board shall require such other landscaping and screening as may be required to protect

the aesthetic environment of the surrounding properties and neighborhood.

- D. Compatibility. Signs and lights will be compatible and in scale with building elements and will not dominate the overall visual impact of the project. Textures of buildings and paved areas will be sufficiently varied to prevent a massive or monolithic appearance, particularly areas of asphaltic paving for parking.

- E. Environment. The design, layout and operational characteristics of the proposed use will not represent significant impact on the environment or result in a waste of the land and other natural resources of the Village. To the greatest extent possible, development will be in harmony with the natural environment and adequate compensatory devices will be prescribed to offset potential significant deterioration resulting from the project.

- F. Development. The site development plan elements, including buildings, parking, drainage, circulation, utilities, provision for emergency services, signs and lighting, will not adversely affect the potential of

adjacent properties or the property under review from its highest and best use.

- G. Emergency services. Adequate provision shall be made for emergency services, including but not limited to, fire, police, ambulance, and protection against environmental hazards, through placement of building, roadway access, building access, internal circulation, protective systems such as sprinklers or other appropriate measures as may be determined by the Planning Board.

3. Preliminary site development plan review.

- A. Prior to application for a building permit, certificate of occupancy or certificate of use, where required, site development plan approval shall be obtained from the Planning Board. The applicant may, at its option, submit an informal plan for discussion prior to a formal application for preliminary site development plan review. The site development plan rules and regulations provide detailed specifications as to application materials and requirements. For purposes of an informal submission, the applicant should provide as much information as possible, keeping in mind the

specific criteria required in the site development plan rules and regulations. The informal submission shall not constitute a formal application, and no approval can be granted based on it.

- B. Application for preliminary site development plan review shall be made on forms prescribed by the Planning Board and shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Chestnut Ridge. Such application shall be submitted to the Secretary to the Planning Board at least four (4) weeks prior to the Planning Board meeting at which review is sought. The Secretary shall refer the application to such Village department, agencies and consultants as are necessary to evaluate the proposal and a consolidated report shall be prepared for the Planning Board meeting. Applications not complying with the requirements of the site development plan rules and regulations shall be rejected, in writing, within twenty-one (21) days after receipt of the application. A copy of such rejection shall be sent to the Planning Board.

- (1) Upon submission of a completed application, a public hearing on the preliminary site development plan shall be scheduled for the next available Planning Board meeting. Not later than ten (10) days prior to said public hearing, the applicant shall notify all owners of real property within five hundred (500) feet of the perimeter of the site, by certified mail, return receipt requested, of the date, time and place of such public hearing and shall place posters containing such information in visible locations on any public thoroughfare abutting the site at distances of two hundred (200) feet for a distance of five hundred (500) feet from the perimeter of the property. In addition, at least one such poster shall be posted on the site in a manner to be visible to the public. All such posters shall be removed from the site and from the public thoroughfares and returned to the Secretary to the Planning Board within twenty-four hours after the close of the public hearing to which they relate. Notice of such public hearing shall also be published in the official newspaper of the Village at least ten (10) days prior to the date of such hearing.

(2) In the event that a conditional use approval is required, the Planning Board shall simultaneously consider both applications.

C. The Planning Board shall approve the preliminary site development plan application, approve it with modifications or deny the application within sixty (60) days after the close of the public hearing. The Planning Board may impose such conditions as are necessary to ensure conformity with the general and specific criteria set forth in this local law and in other applicable laws, rules and regulations of the Village. Approval of a preliminary site development plan application shall not vest any rights in the applicant and shall not preclude the Planning Board from denying or modifying the final site development plan submitted by the applicant.

D. Preliminary site plan approval shall expire six months from the date of the resolution approving the preliminary site plan unless a complete application for final site development plan review has been filed with the Planning Board prior to said six month expiration period. Thereafter, the Planning Board may, in its

discretion, grant six month expiration* (extension) period for good cause shown, not to exceed three such extensions. Preliminary site plan approvals granted prior to the date of this local law shall expire six months from the date of this local law unless a complete application for final site development plan review has been filed with the Planning Board prior to said six month expiration period. Preliminary site plan approvals granted prior to the date of this local law shall be subject to the same extensions by the Planning Board as set forth above. (Amended May 20, 2010)

4. Final site development plan review.
 - A. Notwithstanding the provisions of Section 7-725 of the Village Law of the State of New York, no application for final site development plan review shall be submitted by an applicant prior to approval or approval with modifications of a preliminary site development plan application for the site. The final site development plan application shall contain all modifications and conditions required by the Planning Board in its preliminary approval.

* as in original

- B. An application for the final site development plan review shall be made in the same manner as prescribed for preliminary review as set forth in Section 3 hereinabove and in the site development plan rules and regulations.
- C. Final site plan approval shall expire one (1) year from the date of the resolution approving the final site plan unless the final site development plan that complies with the conditions of the final approval is submitted for signing and filing as set forth in subsection 5 below prior to said one (1) year period. The Planning Board may, in its discretion, grant a six (6) month extension of the expiration period for good cause shown, not to exceed two (2) such extensions. Final site plan approvals granted prior to the date of this local law shall expire one (1) year from the date of the adoption of this local law unless the approved final site development plan s submitted for signing and filing as set forth in subsection 5 below. Final site plan approvals granted prior to the date of this local law shall be subject to the same extensions by the Planning Board as set forth

above.

5. Signing and Filing.

Upon submission of the approved final site development plan with modifications required by the Planning Board in its final form, and upon satisfaction of any conditions imposed in such approval, and after review by the appropriate Village departments, agencies and consultants, may be submitted for final signature by the Chairman of the Planning Board who shall sign the approved site development plan and file one copy with the Building Inspector. No site plan shall be signed, however, until all public hearing posters have been returned to the Secretary to the Planning Board.

6. Amendments to approved plans.

An application for an amendment or revision of any site development plan for a site which has received final site development plan approval from the Village of Chestnut Ridge Planning Board shall be processed in accordance With this section.

- A. The application shall be made on forms prescribed by the Planning Board and shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Chestnut Ridge.

- B. Only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes have a material or substantial impact on the balance of the site development plan and/or functioning of the site, in which case the applicant shall identify the other changes that may be necessary.

- C. The applicant's licensed design professional shall submit, with the application, a narrative letter and a drawing, where necessary, indicating the scope of the proposed change at least four weeks prior to the Planning Board meeting at which review is sought.

- D. The Planning Board shall review the application and the supporting documentation in consultation with its planning consultant or design professional, and make a determination as to whether the proposed amendment shall require a public hearing. If the Planning Board

shall determine that such modifications or changes do not have a material or substantial impact on the balance of the site development plan and/or functioning of the site, the Planning Board may dispense with a public hearing and approve the amendment.

E. Should the Planning Board determine that such modifications or changes may have a material or substantial impact on the balance of the site development plan and/or functioning of the site, or if the amendment is likely to cause controversy and/or public discourse , the Planning Board shall schedule the matter for a public hearing and process the application in the same manner as an application for site development plan review except the Board may waive the requirement for preliminary site development plan review and review the amendment in the same manner as final site development plan review.

F. An application for an amendment of a previously approved site development plan will not be required to be referred to the County of Rockland Planning Department pursuant to General Municipal Law Section 239-M if the Planning Board determines that such modifications or changes do not have a material or

substantial impact on the balance of the site development plan and/or functioning of the site and dispenses with a public hearing.

(ii) Subsection D of Section 7 of Article IX of the Zoning Law is hereby repealed and replaced with the following:

D. The site shall be developed in strict conformity with the approved site development plan except that a Field Change may be approved by the Building Inspector or other appropriate Village inspection agency or consultant as provided for below. When the approval of a Field Change is sought, the applicant shall submit a written request to the Building Inspector or other appropriate Village inspection agency. The Field Change shall be documented by appropriate notes and/or supplemental maps or drawings sufficient to indicate the scope and nature of the change and its impact on the approved site development plan. No field change shall be valid unless a memorandum of approval of such Field Change by the Building Inspector other appropriate Village inspection agency , together with the written request and the supporting notes, maps and/or drawings shall be

the filed with the Planning Board within five (5) days of the approval and appended to the approved site development plan .

(iii)The definition of Field Change contained within Section 2 of Article XVII of the Zoning Law is hereby repealed and replaced with the following:

FIELD CHANGE- A change or adjustment to an approved site development plan due only to field conditions that will not substantially alter the intent, layout or design of the approved plan. Changes or adjustment in design not due to field conditions shall not be considered Field Changes.

7. Site improvements.

A. The Planning Board shall require that on or off-site improvements be installed, including but not limited to on or off-site drainage systems to ensure that all drainage, storm runoff and sub-surface waters are carried into approved watercourses and drainage systems. The Planning Board shall further require that all such on or off-site improvements and/or drainage systems be installed on property granted to the Village

in fee, easement or otherwise, as determined by the Planning Board.

- B. No certificate of occupancy or use shall be issued for the site until all the improvements shown on the site development plan, including off-site improvements, have been duly installed and approved and all easements and property interests granted or offered for dedication.

- C. A partial certificate of occupancy or use for periods of ninety (90) days, but not more than one (1) year in the aggregate, for a building or structure or part thereof may be issued before all the on-site improvements are complete; provided, nonetheless, that such portion or portions of the site improvements as are necessary to permit the site to be occupied safely without endangering life or the public welfare have been completed. The Building Inspector shall require a cash deposit or Letter of Credit to ensure and guarantee the completion of the improvements. The Building Inspector shall determine the amount of such cash deposit or Letter of Credit.

- D. The site shall be developed in strict conformity with

the approved site development plan except that a field change may be approved by the Building Inspector or other appropriate Village inspection agency, upon request of the applicant in writing (see definition of "field change"). No field change shall be valid unless a copy of the requested change has been filed with the Planning Board, with the approval of the appropriate agency noted thereon or appended thereto, within five (5) days of such approval.

8. Site maintenance.

It shall be the duty of every property owner to maintain his/her property in conformity with the approved site development plan. Failure to do so shall constitute a violation of this local law.

9. Expiration of site plan approval.

A. Final site development plan approval shall expire three (3) years from the date of signing of said plan by the Chairperson of the Planning Board unless certificates of occupancy for all structures and for the site have been issued by the Building Inspector. An application for an extension of said three (3) year period may be

made to the Planning Board not earlier than four (4) months prior to said expiration date. Upon good cause shown, the Planning Board may, in its discretion, grant a reasonable extension of time for completion of all site work and structures. (Amended January 21, 1999)

- B. All final site development plans approved and signed by the Chairman of the Planning Board prior to July 1, 1990, shall expire on July 1, 1995 unless certificates of occupancy for all structures and for the site have been issued by the Building Inspector on or before July 1, 1995. An application for an extension of said expiration date may be made to the Planning Board not earlier than January 1, 1995. Upon good cause shown, the Planning Board may, in its discretion, grant a reasonable extension of time for completion of all on and off-site improvement

