ARTICLE XVI
Site Plan Review and Approval

1600 - Intent

The purpose of this Article is to provide an opportunity for the Planning Board to review Site Plans for certain land uses in the Town of Hopewell in order to determine compliance with the requirements and purpose of this Ordinance, to ensure satisfactory land development practices, to protect the public's health, safety, general welfare and quality of life, and to provide for the best interest of the property owner. Good land development practices minimize conflicts between uses in the same or adjoining districts, minimize adverse impacts to the environment, ensure safe and sustainable construction, and preserve and enhance the community character. The Site Plan shall also conform to all other applicable laws and regulations, including, but not limited to, Hopewell Town Law, state agency rules and regulations and SEQRA, and shall complement the recommendations for future land uses found in the Comprehensive Plan.

1601 - Applicability

Prior to the issuance of a Building Permit, or approval of any use of land for commercial, industrial, or agriculture-based business purposes requiring site improvements, storm water management, potential environmental or neighborhood impacts, or modification of a previously approved Site Plan, the Zoning Officer shall refer a Preliminary Site Plan, prepared in accordance with §1603, to the Planning Board for review in accordance with the standards and procedures set forth in this Ordinance. The applicant may prepare maps and/or plans when, as determined by the Planning Board, the proposed structure or proposed use of land does not warrant a professionally prepared site plan or maps. The applicant shall be responsible for providing information and details required by §1603.
Subject to specific findings, the Planning Board may waive any or all of the details or information requirements set forth in this section when, in the opinion of the majority of the Planning Board Members, the rendering of a decision regarding the application under review does not warrant or otherwise require details or information as set forth in this section.

1602 - Sketch Plan Conference

A. The applicant shall meet with the Code Enforcement Officer and/or the Planning Board to review the basic site design concept and determine the information required on the Preliminary Site Plan. The purpose of the Sketch Plan Conference is to discuss with the applicant the project's conformity with the Town of Hopewell Comprehensive Plan, to determine whether the activity is subject to the Environmental Impact Standards of this Ordinance, and to advise the applicant of other issues or concerns. The Sketch Plan Conference provides an opportunity to indicate whether the proposal, in its major features, is acceptable or whether it should be modified before expenditures for more detailed plans are incurred.

1602 - Sketch Plan Conference continued….

B. Required information to be included on the sketch plan is as follows:

1. Title of the drawing.
2. An area map showing the parcel under consideration for site plan review and all parcels, structures, subdivisions, streets, driveways, easements and permanent open space within 500 (five hundred) feet of the boundaries thereof or at the discretion of the Code Enforcement Officer.
3. A map of site topography at no more than 10-foot (ten-foot) contour intervals, including 200 (two hundred) feet of adjacent property. If general site grades exceed 5 (five) percent or if portions of the site have susceptibility to erosion, flooding or ponding or contain Prime Farmland Soil, a soil overlay and topographic map showing contour intervals of not more than 2 (two) feet of elevation shall also be required.
4. The general identification of all existing natural features and utilities on the site and in the area.
5. The location of all existing and proposed structures on the site and designated uses for each.
6. The identification of existing zoning classification(s) of the property and all properties within 1/4 (one-fourth) mile and any restrictions on land use of the site.
7. The name of the owner of subject property and the names of the owners of adjacent properties within 500 (five hundred) feet.

C. The Planning Board shall be permitted a reasonable time to review the sketch plan, but in no instance more than 45 (forty-five) days.

1603 - Preliminary Site Plan Application

A. Application for Preliminary Site Plan Approval

An application for Preliminary Site Plan approval shall be made in writing to the Code Enforcement Officer by the 4th Wednesday of the month, and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the Sketch Plan Conference. All site plan information and building designs shall be prepared by a licensed architect or engineer.

1603 - Preliminary Site Plan Application continued…

B. Preliminary Site Plan Checklist

Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist available from the Code Enforcement Officer. The Preliminary Site Plan shall include:

1. Title of drawing, including name and address of applicant and the seal of a NYS registered architect, engineer, or surveyor responsible for the preparation of such drawing.
2. North arrow, date, and graphic scale; minimum 1(one) inch = 50 (fifty) feet.
3. Boundaries of the property, plotted to scale.
4. Location of existing property lines, easements, structures, streets, driveways and natural features within 500 (five hundred) feet of the proposed site or at the discretion of the Planning Board. Natural features which may restrict development or other development constraints such as those listed in the Flood Plain Local Law #2 1989.
5. Grading and drainage plan, showing both existing and proposed contours. The drainage plan shall also clearly explain the methodology used to project storm water quantities and the resultant peak flow conditions.
6. Location, proposed use, hours of operation and height of all buildings. Summary of the amount of square footage devoted to each use requiring off-street parking or loading.
7. Number, location, design and construction materials of all parking and loading areas, showing ingress and egress. Location of reserved parking areas as required by the Off-Street Parking Regulations of Article XI (Off-Street Parking and Loading Regulations) of this Ordinance.
8. Provision for pedestrian access.
9. Size, type, location and screening of all facilities used for recycling and disposing of solid waste.
10. Location, dimensions and vehicle capacity of drive-in facilities and related queuing lanes, if applicable.
11. Building elevations showing building side elevations, window and door spacing, treatments and other architectural features and indication of building materials.
12. Location, purpose, and holder of all proposed easements or dedications for utilities, recreation, conservation or other purpose.
13. Location, size, and type of material for screening any proposed outdoor storage, including box trailers.
14. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences.
15. Description of the type and quantity of sewage anticipated. Method of sewage disposal and the location, design, and construction materials of such facilities.
16. Description of the type and quantity of water supply needed. Method of securing water supply, and the location, design, and construction materials of such facilities.
17. Location of fire lanes and other emergency zones, including the location of fire hydrants.

1603 - Preliminary Site Plan Application - Preliminary Site Plan Checklist continued…

18. Location, design, and construction materials of all energy-distribution facilities, including electric, gas, wind power, solar energy and other public utility facilities, such as cable or phone service.
19. Location, size, design, and construction materials of all proposed signs.
20. Location of proposed buffer areas, including existing vegetative cover.
21. Location, type, height, brightness and control of outdoor lighting facilities in accordance with Article XIV (Outdoor Lighting Regulations) of this Ordinance.
22. Size, location and features of recreation areas for multifamily dwellings as required by §803 of this Ordinance.
23. Identification of permanent open space or other amenities provided in conjunction with cluster or incentive zoning provisions.
24. Table summarizing each building footprint, total size in square feet and number of stories; the number of dwelling units and the amount of square feet devoted to each use type; size, in square feet or acres, of ingress, parking and circulation areas and the number of loading, queuing and parking spaces; size in square feet of landscaped and natural open space; and size in square feet and text of all signs.
25. Landscaping plan and planting schedule in accordance with Article X (Landscaping, Screening & Buffer Regulations) of this Ordinance.
26. Other elements integral to the proposed development as considered necessary by the Planning Board.
27. All forms and information pursuant to New York State Environmental Quality Review Act (SEQRA).
28. An agricultural data statement, pursuant to the requirements specified in§305a of the NYS Agriculture and Markets Law, if the proposed use is located on, or within 500 (five hundred) feet of, a farm operation in a County Agricultural District.
29. A copy, as required by New York State Department of Environmental Conservation (NYSDEC), of the Storm Water Pollution Prevention Plan (SWPPP) for all developments disturbing more than 1 (one) acre. The owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit # GP-02-01.

C. Required Fee

The fee schedule shall be established by the Hopewell Town Board and shall be paid when the application is made.

1604 - Planning Board Review of Preliminary Site Plan

The Planning Board's review of a Preliminary Site Plan shall include, as appropriate, but is not limited to, the following:

A. General considerations as to:
   1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading and drive-in facilities.
   2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
   3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
   4. Location, arrangement, size, design, and general architectural compatibility among structures and the overall compatibility of the proposed buildings, lighting, signs and landscaping of the site.
   5. Adequacy of storm water calculation methodology and storm water and drainage facilities to eliminate off-site runoff and maintain water quality.
   6. Adequacy of water supply and sewage disposal facilities.
   7. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.
   8. Size, location, arrangement and use of required open space and adequacy of such to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering, and to provide recreation areas.
   9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.
   10. Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, fire hydrants and water pressure.
   11. Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.
   12. Provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.
   13. Conformance with the Hopewell Comprehensive Plan and other planning studies.
   14. Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.
   15. Performance guarantees, if required.

1604 - Planning Board Review of Preliminary Site Plan continued….

B. Applicant to Attend Meetings
Applicant and/or duly authorized representative shall attend the meeting of the Planning Board. Failure of an applicant to be present before the Board shall allow the Planning Board, at its discretion, to take no action on the application.

C. Environmental Impact Standards
The uses proposed on the Site Plans shall also conform to the Environmental Impact Standards of §718 of this Ordinance.

D. Consultant Review
The Planning Board may consult with the Hopewell Town Board, Code Enforcement Officer, Town Engineer, Town Attorney, Fire Marshall, and other appropriate Local and County Officials and Departments and its designated private consultants, in addition to Representatives of Federal and State agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

E. Public Hearing
If a Public Hearing is considered desirable by a majority of the members of the Planning Board, such Public Hearing shall be conducted within 62 (sixty-two) days of the receipt of a completed application for Preliminary Site Plan approval, said completion having been determined by the Planning Board. Said Public Hearing shall be advertised in a newspaper of general circulation in the Town of Hopewell at least 5 (five) days before the Public Hearing. If the site is within 500 (five hundred) feet of a municipal boundary, the secretary of the Planning Board shall notify the Town Clerk who shall also notify the Clerk of the adjacent municipality according to Town Law §239-nn.

1605 - Planning Board Action on Preliminary Site Plan

A. If the Planning Board is acting as the lead agency, it shall render a determination of significance prior to preliminary approval of the Site Plan.

B. Within 62 (sixty-two) days after the Public Hearing or, if no Public Hearing is held, within 62 (sixty-two) days after the Planning Board has determined the application is complete, the Planning Board shall act on the application for Preliminary Site Plan approval. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the Preliminary Site Plan is approved, disapproved, or approved with modifications or conditions.

1605 - Planning Board Action on Preliminary Site Plan continued…

C. The Planning Board's statement may include recommendations of desirable modifications to be incorporated into the Final Site Plan, and conformance with said modifications shall be a condition of approval. Should the Preliminary Site Plan be disapproved, the Planning Board's statement shall contain the findings supporting said disapproval. Should the Site Plan be disapproved, the Planning Board may recommend modifications to said Preliminary Site Plan. A resubmission to the Planning Board after said Preliminary Site Plan has been revised or redesigned shall be allowed.

1606 - Referral to County Planning Board

Prior to taking action on the Final Site Plan, the Planning Board shall refer the plan to the County Planning Board for review in accordance with §239-m of General Municipal Law.

1607 - Final Site Plan Approval/Disapproval Procedure

A. After receiving the Planning Board's approval, with or without modifications, of a Preliminary Site Plan, the applicant shall submit for review a Final Site Plan to the same Board. Should more than 6 (six) months have elapsed since the time of the Planning Board's action on the Preliminary Site Plan and the submission of the Final Site Plan and should the Planning Board find that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the Preliminary Site Plan for further review and possible revision prior to accepting for review the proposed Final Site Plan. The Planning Board may also require a new Public Hearing. The Final Site Plan shall conform substantially to the approved Preliminary Site Plan. It shall incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.

B. The following additional information shall accompany an application for Final Site Plan approval:

1. Record of application for and approval status of all necessary permits from local, state, and county officials.
2. Estimated project construction schedule.
3. Legal description of all areas proposed for municipal dedication.
4. Conservation easement or other recordable instrument executed by the owner for any permanent open spaces created and whether such open space is the result of Site Plan Review, clustering or incentive zoning provisions.
5. Detailed sizing and final material specifications of all required infrastructure.

C. Within 62 (sixty-two) days of receipt of a completed application for a Final Site Plan, the Planning Board shall render a decision. The Planning Board shall file its decision with the Town Clerk within 5 (five) business days of having made said decision.

1607 - Final Site Plan Approval/Disapproval Procedure continued…

D. Upon approval of a Final Site Plan and payment by the applicant of all fees, reimbursable costs due, and performance guarantee submitted, if required, to the Code Enforcement Officer pursuant to §1610, the Planning Board shall endorse its approval on the original Mylar Final Site Plan and all copies. A copy of the approved Final Site Plan shall be filed with the Code Enforcement Officer and shall be provided to the applicant.

E. Upon disapproval of a Final Site Plan, the Planning Board shall so inform the Code Enforcement Officer. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

1608 - Time Limit on Final Site Plan Approval

If no building permit has been issued, or if no significant work has commenced within 1 (one) calendar year of the date of the Final Site Plan approval, the Final Site Plan approval shall become null and void.

1609 - Reimbursable Costs

Costs incurred by the Town of Hopewell for consultation fees and/or other expenses generated by the Town in order for it to render an informed decision of a proposed Site Plan shall be charged back to the applicant. The Planning Board Secretary shall confirm with appropriate Town Officials that all expenses have been reimbursed to the Town. Upon notification from the Secretary or other appropriate Town Official of such reimbursement, the Planning Board Chairman may endorse the Final Site Plan as approved.

1610 - Performance Guarantee

The Town Board shall have the authority to require a performance guarantee for any site improvements proposed to be made to or impacting any public infrastructure including, but not limited to, water systems, sewer systems, and public highways maintained by local government.

Said guarantee shall be in the form of an irrevocable letter of credit or other form of surety acceptable to the Town Board.

Said guarantee shall be approved as to form by the attorney for the Town in the amount to be recommended by the engineer for the Town, or other authority designated by the Town Board.

The Final Site Plan shall not be signed by the Planning Board Chairman or his authorized deputy until and unless any required performance guarantee is secured and/or deposited to the satisfaction of the Town Board.

1611 - Inspection of Improvements

The Code Enforcement Officer, or his duly authorized representative such as, but not limited to, the Town Engineer or a qualified consultant, shall be responsible for the overall inspection of site improvements. For the purpose of coordinating inspection, the applicant shall be responsible for providing notice to the appropriate officials and agencies. The applicant shall reimburse the Town for all charges and/or expenses incurred by the Town for necessary site improvement inspections including, but not limited to, all storm water management, installation of utilities or other infrastructure to be dedicated to the Town, or other site development issues determined by the Code Enforcement Officer as requiring special inspection for determining compliance. For utilities, such as water, or highway improvements to be dedicated to the Town, the authority having jurisdiction over such Town entity shall determine necessary inspection requirements including the necessity for full time inspection. The Code Enforcement Officer shall confirm with the appropriate Town Officials that all charges have been fully reimbursed to the Town prior to the issuance of a Certificate of Occupancy.

1612 - Integration of Procedures

Whenever the particular circumstances of a proposed development require compliance with either the Special Use Permit requirements pursuant to §305-D of this ordinance, or the requirements for the subdivision of land, the Planning Board shall attempt to integrate, as appropriate, Site Plan review as required by this section with the procedural and submission requirements for such other compliance.