

Local Law ____ of 2019

Site Plan Review Amendment for the Town of _____ to Create a Modified Site Plan Review Process for Certain Agricultural Uses

SECTION 1. TITLE

This local law shall be known and cited as "Modified Site Plan Review Law of the Town of _____ being Local Law number __ of 2019.

SECTION 2. AUTHORITY

This local law is adopted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Article 16 of the New York State Town Law.

Note 1: Communities that already have a site plan review law, regardless of whether it is a stand-alone law or within zoning, can establish this section to create a modified site plan process for certain agricultural uses. If a stand-alone law exists without, or outside of a zoning law, it would be an amendment to that site plan law. If site plan exists within a zoning law, it would be a zoning amendment.

Note 2: Any text below in italics are those to be decided by the municipality.

SECTION 3. ZONING LAW (Or Site Plan Law) AMENDMENTS

The Town of _____ Zoning (Law, Ordinance, Bylaw, Code; or Site Plan Law) is hereby amended as follows:

When site plan is included in zoning:

A. Article __ of the Town of _____ Zoning Law shall be amended to add the modified site plan review process in the Town of _____.

{Note: insert the article number of the article that establishes the zoning districts or the overlay districts in the zoning law in the above}

OR

A. Article __ of the Town of _____ Site Plan Review Law shall be amended to add the modified site plan review process in the Town of _____.

B. A new article [or new section] identified as Article number __ [or Section number ____] and entitled, Modified Site Plan Review, is hereby added to the Town of _____ Zoning Law (or Site Plan Law) to read as follows:

1. Purpose. The process outlined in this sub-section affords the Town of _____ an opportunity to examine a proposed major agricultural project where it overlaps an established Noise or Safety Overlay District in the Town, and to evaluate and mitigate potential impacts to protect and preserve public health, safety and welfare without unduly burdening farm operations.
 - (a) Applicability: Any new agricultural structure that is larger than _____ *square feet* building footprint (or _____ *in height*) and that is proposed to be sited within the Safety and/or Noise Overlay District in the Town of _____ shall be required to meet all requirements and procedures of this Modified Site Plan Review pursuant to this sub-section.
2. Submissions. A modified site plan review shall require the submission of the following documents to the Planning Board. The Planning Board shall receive such submission at least *seven days* prior to the next Planning Board meeting. Such site plan does not need to be prepared by a licensed surveyor but should be at a scale that accurately depicts site features.
 - a) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying the boundaries of the Noise or Safety Overlay District in relation to the proposed structure.
 - b) Identification of the existing features of the site including land and water areas, water, sanitary sewer or septic systems, and the approximate location of all existing structures on or immediately adjacent to the site located within the Noise or Safety Overlay District.
 - c) Representation of the proposed location, arrangement, and size of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - d) A showing or statement by the applicant that any exterior lighting newly installed shall be downward-directed and installed so that no part of the light bulb or light source is visible beyond the property boundary and that it meets any Dark Sky, Height or other standards as may be adopted by the Town of _____ in relation to Fort Drum and Wheeler-Sack Army Airfield activities.
 - e) A description of the existing and/or proposed farm operation and a narrative of the intended use, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Such description shall identify how the proposed structure will be compatible with the purposes and standards of the Noise and Safety Overlay District of the Town of _____.
 - f) A completed agricultural data statement.
 - g) Application form, and fee as may be established by the Town Board.
3. Public Hearing. The Planning Board *may* hold a public hearing on the modified site plan application. Should a public hearing be held, the Planning Board shall notify all landowners identified in the submitted agricultural data statement.
4. SEQR. As per Part 617 of the State SEQRA regulations, agricultural operations are Type II actions and are thus exempt. Therefore, no environmental review shall be required during a Modified Site Plan Review.

5. Development Standards. All development standards as established in the Noise and/or Safety Overlay District in the Town of _____ shall be incorporated into the site plan to the maximum extent feasible and as appropriate to allow for continued agricultural use while protecting such uses from Fort Drum, Wheeler-Sack Army Airfield or the Watertown International Airport activities. The Planning Board shall take into consideration the size and nature of the particular agricultural activity being proposed. Modifications to the proposed site plan, if any, shall be made to promote the health, safety, and general welfare of the Town and shall not unduly restrict the agricultural operation.
6. Decisions. The Planning Board shall initiate its review of a modified site plan application upon determination that the application is complete and shall make its decision *within 62 days* of such application being deemed complete. It shall approve, approve with modifications or deny the application. If no action is taken by the Planning Board within that time frame, the modified site plan application shall be deemed approved. Time frames may be extended only by mutual acceptance by both the applicant and the Planning Board.
 - a) Any decision of the Planning Board shall be filed with the applicant, *building department, Town Clerk, or Code Enforcement Officer* within five business days. No construction activity shall commence until such approval has been issued.