

Chapter 270. Zoning

Article V. Supplementary Regulations

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§ 270-27. Site plan review.

A. Authority. The Planning Board is hereby empowered to grant site plan approval in accordance with the provisions of § 274-a of the New York State Town Law. The Town Board hereby further empowers the Planning Board to, when reasonable, waive any requirement for the approval, approval with modifications or disapproval of site plans submitted for approval. Those identified applications requiring site plan approval as a prerequisite and all special use permits (which require site plan approval) shall be regulated as set forth in this article.

B. Definitions.

Definitions of specific terms or words as used in this chapter shall conform to the definitions of the same terms in the Zoning Ordinance, Chapter 270. In addition to the definitions in Chapter 270, the following terms shall be used in this chapter as they are defined in this section:

BOARD

The Planning Board, unless otherwise specified.

DEVELOPMENT

Any land use activity or project which requires a permit from the Planning & Code Enforcement Department or will result in changes to the physical condition, appearance or type of use, or intensity of use, of property.

(1) Development projects include but are not limited to:

(a) New construction, reconstruction, modification or expansion of existing structures or site improvements.

(b) Landfilling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.

(c) Demolition of structures or site improvements.

(2) A project shall not be considered a development if it is one or a combination of the following:

(a) Replacement in kind only;

(b) Interior construction only; or

(c) Infrastructure maintenance only.

DIRECTOR

The Director of Planning for the Town of Lansing, New York, or his/her designee.

MODIFICATION

Rearrangement of site layout or an exterior alteration to an existing structure (including any changes to a building facade, except replacement in kind).

PERFORMANCE GUARANTEE

A form of security approved by the Town that has the effect of providing assurance or a guarantee that all improvements will be made and constructed in accord with the requirements of this chapter, applicable codes and requirements, the requirements of the Town, and the terms and requirements of any approved site plan. A performance guarantee may include performance bonds, escrow agreements, letters of credit, cash, and other or similar collateral or surety agreements. No such performance guarantee shall be deemed acceptable or in compliance with the requirements of this chapter if the person posting the bond or other undertaking is a guarantor or surety to any underwriter of such bond or undertaking, or if such person provides for indemnity to any underwriter or issuer with respect to such bond or undertaking. Bonds shall comply with the requirements of Town Law § 274-a and shall be acceptable to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety. A period of one year (or such other periods as the Director of Planning may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

RECONSTRUCTION

Construction of buildings or site plan improvements following total demolition of a previous development.

REPLACEMENT IN KIND

Replacement of materials (for maintenance purposes) which does not have an effect on the appearance of the existing building and site.

SITE IMPROVEMENT

Features including but not limited to planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other accessory structures, devices, or landscape materials on the site.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan to identify and mitigate stormwater impacts as defined in Chapter 225.

C. Applicability.

1. The provisions of this § 270-27 shall apply to any land use activity that is indicated in Schedule I of this chapter as requiring site plan review and approval, to any similar use, and whenever otherwise requires by this chapter or by any local law or other ordinance of the Town of Lansing.
2. In addition, and supplementing such provisions, the requirements of this article shall also apply to the following actions except as to those actions specifically exempted, or for which alternative specific site plan review and approval requirements are established, elsewhere in this chapter:
 - a. All new commercial, industrial, or institutional development.
 - b. All new Multiple-Unit Dwellings.

- c. Any modification of existing commercial, industrial, institutional, or multiple-unit dwelling buildings, for which no previous site plan exists.
- d. Any conversion of an existing residential structure to a nonresidential use (except as may have occurred in connection with a Home Occupation established in conformity with the provisions of this chapter).
- e. Any conversion of an existing nonresidential structure into a residential structure containing three or more dwelling units.
- f. Any modification to an existing residential structure which increases the number of dwelling units in the building to three or more dwelling units.
- g. Any other modification to any facility or structure not set forth in the preceding subsections, for which final site plan approval was or is presently required by the terms of this chapter or any modification to any previously approved site plan, except as otherwise authorized below.

D. Land use activities exempt from site plan review. Land uses allowed by zoning permit and the following land uses and activities are exempt from site plan review provisions of this § 270-27 unless such review is specifically required in Schedule I of this chapter:

- (1) New construction of a one- or two-unit dwelling, and related accessory structures, as these terms are defined in § 270-3 of this chapter.
- (3) Normal maintenance or repair and routine landscaping.
- (4) Uses and structures that are lawfully in existence as of the date this chapter becomes effective. Nonconforming uses may not be expanded (see Article VIII).

E. Site Plan Review Procedures

- 1. Process initiation.
 - a. The Zoning Officer shall determine whether Site Plan Review is required when an application for Site Plan Review, Building Permit, or a Demolition Permit is filed.
- 2. The following procedures are required for both Site Plan Review and Site Plan Review for Certain Farm Operations:
 - a. Sketch plan conference with planning staff, or when appropriate, with the Board as a whole.

F. Site Plan Review submittals.

- 1. Submission of Application Materials.
 - a. Applicants must submit a complete site plan review application, including all applicable materials as described in the Site Plan Review Checklist, which may be obtained from the Department of Planning and Code Enforcement, as well as the following:
 - i. Evidence of site control or owner's authorization.
 - ii. Statement of intent that describes the project. If the development is to be staged, a general indication of how the staging is to proceed;

any project that requires more than 36 months to construct shall be staged. Whether or not the development is to be staged, the preliminary plan shall show the intended total project.

- iii. A statement as to proposed sources of water supply and method of sewage disposal to include a statement as to who will own the water and sewer systems, a conceptual layout of each system, whether necessary districts are formed or are in process, the receiving sewage treatment plant, the lines, dimensions, and purpose of all utility easements, including properly placed fire hydrants and preliminary design of bridges and culverts.
- iv. A site plan, drawn to a scale no smaller than one inch equals 30 feet, on one or more sheets, stamped by a New York State licensed architect, landscape architect, engineer, or surveyor.
- b. An environmental assessment form as required by SEQRA.
- c. Additional application materials may be required by the Board. Depending on the scope and complexity of the project, the Board has the discretion to require applicants to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists, or surveyors.

G. Application Procedure for Site Plan Review for Certain Farm Operations. The applicant for site plan review and approval shall submit the following:

1. Application form and fee.
2. Name and address of the applicant and any professional advisors.
3. Evidence of site control or owner's authorization.
4. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways depicting:
 - a. Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
 - b. The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - c. The proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.
 - d. Any proposed building, structure, or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
5. Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures, and/or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.

6. If any new structures are going to be located within 100 feet of a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

H. Project Review Criteria. In reviewing an application for approval of a site plan, the Planning Board will be guided by the existing characteristics and conditions of the site and its surroundings, by particular design objectives of the applicant, by the quality and distinctiveness of the proposal, by avoidance or mitigation of any negative impacts, in accordance with Article VII: Site Development Standards. Unless waived or otherwise modified by Planning Board resolution as specified below, each site plan for a proposed land use activity shall conform to the general standards listed in this Subsection H, as applicable, and to any other requirements specifically related to a particular site as may be identified and described in writing by the Planning Board.

1. Stormwater drainage. Adequacy of stormwater and drainage facilities, and a stormwater drainage plan shall be provided. Natural drainageways shall be used to the fullest practicable extent. The amount of stormwater draining onto or across adjacent properties shall not be increased. Any activity disturbing more than one acre of land shall be required to obtain an SPDES Stormwater Phase II Construction Permit from the New York State Department of Environmental Conservation.
2. Erosion control. Developments on soils which may erode, or on slopes greater than 10%, shall include a sediment and erosion control plan designed to minimize erosion during construction and after construction has been completed and consideration, where feasible, of:
 - a. Avoiding construction upon or disturbances of hydric soils;
 - b. Avoiding impervious surfaces in favor of pervious surfaces;
 - c. Using bioengineering techniques rather than traditional construction methods to manage water and stormwater on site;
 - d. Avoiding the crossing of streams and ditches with roads and driveways; and
 - e. Establishing buffers along streams and other watercourses.
3. Off-street parking. Location (reverse frontage preferred), arrangement, appearance and sufficiency of off-street parking and loading. Parking areas, if any, shall be adequate in terms of area, safe access thereto and surface water drainage.
4. Water and sewer facilities. Adequacy of water supply and sewage and waste disposal facilities, and the type and design of any water supply and sewage disposal system, shall be approved by appropriate jurisdictions. Calculations of the existing and estimated increased loads on the system may be required. When the proposed source of water is groundwater, consideration of well and pump tests, the amount of any water proposed to be used, the proposed sequestration of any amount of water, and water or hydro-geological studies to determine the impact of the proposed withdrawal of groundwater on surface waters, surface

water flows, aquifers, aquifer capacity and recharge rates, and existing users of the same supply of water, are appropriate matters for review in the discretion of the Planning Board where issues concerning groundwater quality and quantity have been documented.

5. Driveways, pedestrians, and traffic. Safe and convenient pedestrian and bicycle access and circulation, including provision for bicycle parking facilities and sidewalks along public thoroughfares, unless applicant demonstrates that a sidewalk is not feasible due to site constraints. Adequacy and arrangement with vehicular and nonvehicular traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian safety and convenience, including the adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls, as well as adequacy of fire lanes and other emergency zones. Access and egress driveways shall be clearly defined and no more than 35 feet wide unless otherwise permitted by the NYSDOT, Tompkins County, or the Town of Lansing. Analysis of the project's impact on parking and traffic may be required, including sight lines at curb cuts.
6. Site lighting. All lighting to be used on a building or site shall be installed in accord with any Town lighting requirements and in a manner as will prevent glare on adjacent properties and roads. Wherever practical, luminaires shall provide for glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of the International Dark-Sky Association ("IDA"), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet No. 172 and the IDA "Outdoor Lighting Code Handbook." Excessive lighting for promotional or commercial visibility purposes shall be discouraged.
7. Off-site impacts. Potential off-site impacts such as noise, odor, excess or heavy vehicle traffic, and vibration shall be identified and proposed measures to mitigate adverse impacts on adjacent property and the surrounding neighborhood shall be submitted.
8. General improvement plan. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs. Sign size and location shall comply with Chapter 210, Signs, of the Code of the Town of Lansing.
9. Trees and shrubs. Adequacy, type and arrangement of trees, shrubs and other landscaping, including, where practical, a focus upon the maximum retention of existing vegetation and considerations of visual and noise-detering buffers between the proposed use and adjoining uses or properties.
10. Roads and walks. Roads, pedestrian walks, and open space for play areas and informal recreation shall be designed as integral parts of an overall site design, be properly related to existing and proposed buildings, roads and pedestrian ways, and be appropriately landscaped.
11. Other regulations. All other applicable state, county and local laws, ordinances and regulations shall be complied with. These include, but are not limited to,

Zoning, Signs, Subdivision Regulations, Stormwater Management, Code Enforcement Local Law, and the State Environmental Quality Review Act.

12. Impacts on unique or critical resources. Impacts upon agricultural resources, unique natural areas, critical environmental areas, wetlands, flood hazard zones, other unique topological, cultural, historical, and archeological areas, including scenic resources identified in the Lansing Natural Resources Inventory and Scenic Resources Inventory, and general consistency with the Town's Comprehensive Plan.
13. Public services. Consideration of any needed or desirable public services and public service impacts, including upon the availability of fire hydrants, and emergency medical services, streetlighting, schools and educational services, and public transportation services and plans.
14. Handicap accessibility of buildings, pathways, and parking in accordance with ADA standards.
15. For new construction of multiple-unit dwellings, commercial, industrial, and retail & service uses, adequate and appropriately located facilities for the storage and collection of solid waste and recyclable materials shall be required. Developers of new commercial and mixed-occupancy buildings must design a waste management system that can support the needs of any allowable use in the building, including those uses that could result in maximum garbage generation. Screening of these facilities, as well as other actions relating to the appearance of the facilities, may be required in accordance with Article VII: Site Development Standards.
16. Shielding or reduction of noise from mechanical equipment and other sources to the extent reasonably practicable.
17. Screening or architectural integration of a building's or structure's exterior mechanical equipment.
18. Additional information. The Planning Board may consult with any other Town board, commission, department, agency and/or official it deems advisable. It may also engage the services of engineers, planners, or other professionals to aid in the review process. All costs incurred by the Board for such professional services shall be reimbursed to the Town by the Applicant.

I. Approval procedure.

The following procedures are required for Site Plan Review and not required for Site Plan Review for Certain Farm Operations:

1. Public notice by posting. At least 20 days before the first meeting at which the Planning Board considers site plan approval, the Planning Board may require the applicant to post a sign at the center of each property line of the project site which fronts on a public or private roadway or public right-of-way. Such signs shall be continuously maintained and displayed facing the roadway until final action has been taken by the Board to approve or deny the site plan. At the time such signs are emplaced, the applicant or the applicant's representative shall

indicate, in writing, the date on which the signs are to be erected. Signs shall be removed within 15 days of the final action or withdrawal of the application.

2. Planning Board meeting. Following timely receipt of a complete application for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and requirements, within the framework provided by this chapter, for conducting site plan review.
3. Public hearing. Prior to rendering any decision on a Site Plan Review application, the Board may hold a public hearing on the proposed development. The hearing on the site plan shall be advertised in the Town newspaper of record at least five days before the hearing. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required for Site Plan Review for Certain Farm Operations.
4. Action on application for site plan approval.
 - a. Within 62 days after determination of environmental significance on a complete Site Plan Review application, the Board shall render one of the following decisions:
 - [1] Approval.
 - [2] Approval with conditions.
 - [3] Disapproval of the site plan.
 - b. Such sixty-two-day period will be extended if the environmental review process has not been completed and/or may also be extended by mutual consent of the applicant and the Planning Board.
 - c. If the site plan is disapproved, the Planning Boards' statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission.
5. Changes. Any current or future change to an approved site plan must be reviewed and approved by the Planning Board. Failure to comply will result in loss of permitted use.

J. Modifications of site plans. A site plan that has received final site plan approval may be modified upon the application of the owner for such modification. Such application shall be in accordance with the provisions of this article and the procedures applicable to such application shall be the same as are applicable to an initial application for site plan approval. Notwithstanding the foregoing, Planning Board approval of a modification shall not be required if the modification does not involve:

1. Construction of an addition of more than 1,000 square feet of enclosed space whether on one or more stories. The numerical criteria for the exception from the requirement of obtaining Planning Board approval are an aggregate maximum (i.e., if a 700 square foot addition is constructed without obtaining Planning Board approval and construction of a second addition larger than 300 square feet would require Planning Board approval of a modified site plan).

2. Construction or relocation of more than five parking spaces nor construction or relocation of any parking spaces to an area that is not adjacent to the original planned parking area; nor
3. Enlargement of an existing or previously approved building that involves an increase of square footage of more than 15% of the existing square footage of the existing or previously approved building; nor
4. Alteration of traffic flows and access nor a significant increase in the volume of traffic; nor
5. A significant (in the judgment of the Zoning Officer) change in the aesthetic appearance of any structure or site plan element, including landscape and lighting details, from that presented at the time of the last approved site plan; nor
6. A change in the impacts of the project on surrounding properties, such as an increase in noise, water runoff, light illumination, or obstructions to views; nor
7. Violations of any express conditions (including, without limitation, buffer zones, setbacks, and similar restrictions) imposed by the Planning Board in granting prior site plan approval; or
8. If the modification does not involve a movement or shift of a location of one or more buildings laterally or vertically from the location or elevation shown on the final site plan;
9. A determination by the Zoning Officer that such shift does not materially affect the overall site layout or specific elements of the site, including roads, traffic movements, sidewalks, parking areas, viewshed, drainage, and buffer areas; and
10. Such shift does not directly violate any express conditions (including, without limitation on, buffer zones, setbacks, etc.) imposed by the Planning Board in granting prior site plan approval.
11. A demolition or proposed demolition of an existing building, or of a previously approved building on a previously approved site plan, is a modification of a site plan subject to the terms of this section.
12. Notwithstanding the other sections of this article, Planning Board approval of a modification of a site plan shall not be required if the modification only involves the construction, alteration, or renovation of the interior of a building, regardless of whether a change of occupancy or use is involved, and none of the limitations of this § 270-27 are exceeded.

M. Building permit. Before a building permit or certificate of occupancy or certificate of compliance can be issued for any of the activities for which site plan approval is required, a site plan must be approved by the Planning Board in accordance with these and other applicable provisions.

N. Other Permits. An approved site plan shall be binding on all further permits and approvals needed for the project. Compliance with other applicable state, county and local agencies is required.

1. All required modifications or conditions established as a result of the site plan review process shall be and be deemed conditions of the building permit (regardless of whether expressly so stated upon any such building permit). For projects subject to Site Plan Review, a Building Permit shall be issued only after approval has been granted. In a case where a conditional Site Plan Review approval has been granted, no Certificate of Occupancy or Completion shall be issued until final Site Plan Review approval has been granted and all conditions of such final approval have been met. See also § 279-27(L).
2. Variances.
 - a. Any required variance must be obtained from the Zoning Board of Appeals before the Planning Board will issue site plan approval.
 - b. Storm Water Pollution Prevention Plans (SWPPP). All Storm Water Pollution Prevention Plans must be approved by the Stormwater Management Officer (SMO) in accordance with § 225 before final site plan approval is granted.

O. Expiration of site plan approvals. Once any site plan approval is issued, whether with or without conditions, the applicant or other person or entity claiming the benefit of such approval shall commence and substantially complete the construction or other activities for which the site plan is applicable within three years of the date of the resolution of the Planning Board so issuing such approval or such site plan approval shall expire, lapse, and be of no further validity, force or effect, unless an extension has been granted by the Board following a written request by the applicant. If no extension is granted, the landowner or other applicant may then reapply for site plan review, the same shall be and be deemed a new application, and nothing in any prior site plan review process or approval shall be binding or of precedential value with respect to such new application or review, or as to any terms or conditions applied in relation to the review or potential approval of such application or site plan. The Planning Board may list such three-year commencement and substantial completion requirement upon the face of any site plan drawing or related plat or map, and the Planning Board may list such three-year requirements within its approval(s) as a condition or otherwise.

1. For the purposes of this section, work is not "substantially complete" unless, at a minimum:
 - (a) A building permit, if required, has been obtained;
 - (b) Construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and
 - (c) Substantial excavation (where excavation is required) or significant framing, erection, or construction (where excavation is not required) has been started and is being diligently pursued.

P. Performance Guarantee.

- a. No certificate of occupancy or certificate of completion shall be issued until all improvements required by site plan approval are installed, and including any

conditions placed on such approval are fulfilled, or until a sufficient guarantee, in the form of a performance bond, letter of credit or other security, is in place.

- b. Upon satisfactory completion of all required improvements shown on the approved site plan, an as-built plan shall be submitted for the review and approval of the Code Enforcement Officer at least one week prior to the occupancy of the building. Such plan shall include the record of all progress and final inspections for the installation of all on-site and off-site improvements as approved by the Code Enforcement Officer or certified by a licensed engineer. The completion of as-built plans and the successful inspection reports shall be the basis for release of any performance guarantee or portion thereof.

Q. Development projects may be periodically inspected for conformance to the approved site plan, including the maintenance of the viability of the planting required as part of the site plan approval. If there is nonconformance, or if any conditions of SPR approval are not fulfilled, no certificate of occupancy or certificate of completion shall be issued. Where a development reverts to nonconformance after the issuance of a certificate of occupancy or certificate of completion, current owners of the development shall be notified, in writing, and given the opportunity to correct the situation. If the Director determines that the corrective measures are inadequate, the Town shall implement any necessary changes to the site to bring it into conformance, the cost of which shall be charged to the property owner. All construction and site operations shall be in compliance with the site plan.