

# **Does My Building Project Need to be Reviewed by the Town of Smithville, NY Planning Board?**

*Please see the Town of Smithville Site Plan Review Law (copy of the law can be obtained from the Town Clerk or at the Town website <http://smithvilleny.com>) for a list of definitions for Planning related terms used in the guide below.*

## **Article II**

### **Section 2.1 Applicability of Review Requirements.**

#### **#1. Are you constructing, altering, or replacing a one- or two-family dwelling, ordinary accessory structure, or related land use activities;**

1. On a parcel of 2 acres or greater?
2. With a minimum of 200 feet road frontage or with highway access and a minimum of 200 feet width at the building site?
3. At least 75 feet from the center of the road?
4. At least 25 feet from your side property boundary?
5. At least 15 feet from your back property boundary?

If YES to all of the above, NO Site Plan Review.

If NO to any one of these, the project is subject to Site Plan Review process.

#### **#2. Whether permanent or temporary, will your structure be solely used for the sale of produce or agricultural products?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

#### **#3. Does the project involve landscaping or grading of less than 2 acres and is not connected to a project reviewable under the Town of Smithville Site Plan Review Law?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

#### **#4. Is the project only for the ordinary repair, maintenance, or interior alterations to an existing structure or use?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

#### **#5. Does the project involve exterior alterations or additions to existing structures which will not increase the square footage of the existing structure by more than 25%?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

**#6. Are you constructing a sign under 50 square feet and it will not be illuminated?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

**#7. Will you be operating a garage, lawn, or porch sale for less than three consecutive days?**

**(Note: If such sales take place more often than five (5) times in any calendar year, a site plan approval will be required)**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

**#8. Is your project considered nonstructural agricultural or a gardening use not involving substantial timber cutting?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

**#9. Will you be "clear cutting" an area less than one acre?**

If YES, NO Site Plan Review process.

If NO, the project is subject to Site Plan Review process.

**If you have deemed you need a Site Plan Review, please read the procedures and requirements listed in the Town of Smithville Site Plan Review Local Law #1, 2015.**

## **SITE PLAN REVIEW – THE NEXT STEP**

**Section 3.1 Procedures -Generally.** Prior to undertaking any new land use activity except for a one- or two-family dwelling and other uses specifically outlined in section 2.1 of the local law, a site plan approval by the planning board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference. Applicants must comply with all other procedures and requirements of this local law.

**Section 3.2 Sketch Plan.** A sketch plan conference shall be held between the planning board and the applicant prior to the preparation and submission of a formal site plan. The intent of the conference is to enable the applicant to inform the planning board of the proposal prior to the preparation of a detailed site plan; and for the planning board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant needs to provide the following:

1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel. Real property service tax maps may be used as the area map.
3. A topographic or contour map of adequate scale and detail to show site topography.

**Section 3.3 Application Requirements.** An application for site plan approval shall be made in writing to the chairman of the planning board at least 10 days prior to the next scheduled meeting and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference.

Site plans shall be drawn to scale, using such a scale that all features required to be shown on the plan are readily discernible. Five sets of the plan and any accompanying documents shall be provided. An additional set of plans and documents shall be required for those projects requiring referral to the county planning agency under General Municipal Law Section 239l and Section 239m.

**Section 3.4 State Environmental Quality Review Act (SEQRA) Form.** An application for site plan review shall include a Short or Full Environmental Assessment Form, whichever is deemed appropriate by the board.

**Section 3.5 Completeness of Application.** An application is not complete, and shall not be considered, until deemed complete by resolution of the board. If an application is deemed incomplete, the board shall provide the applicant a written list of missing information required to complete the application. No refund of application fees shall be made and no additional fees shall be required upon submittal of additional information. The applicant shall have 90 days from date of notification to complete the application. After that deadline, the application needs to be submitted as a new application and the application fee must be paid again.

**Section 3.6 Required Fee.** An application for site plan review shall be accompanied by a fee, as determined by the following schedule:

One or two family dwelling	\$ 50.00
Business/change in land use	\$100.00

**Section 3.7 Reimbursable Costs.** Cost incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. Applicant will be notified in advance of incurring such costs.

**Section 5.2 SEQRA Compliance.** The Planning Board shall comply with all requirements of SEQRA before a decision is made on a site plan.

**Section 5.3 Compliance with General Municipal Law.** The Planning Board shall refer the project for review by the Chenango County Planning Department when required by General Municipal Law Section 239-l and Section 239-m.

**Section 5.5 Filing of the Final Approved Site Plan.** Following approval or approval with modifications of any site plan, no building permits shall be issued until a final copy of the site plan, including any modifications made during the review process, is filed with the Town Clerk. The final approved site plan must be drawn to scale by a licensed Engineer, Architect, or Surveyor and sealed by same.

**Site Plan Checklist:**

***(An applicant may request a waiver for items on this list that are not applicable or practical to provide.)***

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing; deed reference (book and page)
2. North arrow, scale (as specified by the Planning Board) and date;
3. Boundaries of the property plotted to scale;
4. Existing buildings;
5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses;
6. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
7. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
8. Provision for pedestrian access;
9. Location of outdoor storage, if any;
10. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
11. Description of the method of sewage disposal and location, design and construction materials of such facilities;
12. Description of the method of securing water and location, design and construction materials of such facilities;
13. Location of fire and other emergency zones, including the location of fire hydrants;
14. Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
15. Location, size and design and type of construction of all proposed signs;
16. Location and proposed development of all buffer areas, including existing vegetative cover;
17. Location and design of outdoor lighting facilities;
18. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
19. General landscaping plan and planting schedule;
20. An estimated project construction schedule;
21. Record of application for and status of all necessary permits from other governmental bodies;
22. Identification of any permits from other governmental bodies required for the project's execution; and
23. Other elements integral to the proposed development as may be considered necessary in the particular case by the planning board.
24. Location of wells, septic systems and leach fields on adjoining property within 200 feet of site.
25. Location of well on the site.
26. Signed and approved Town Road Use Agreement where applicable.