

Village of Barker
Local Law #4-2025
A Local Law Providing for Site Plan Review

Be it enacted by the Village Board of Trustees of the of the Village of Barker a Local Law as follows:

§ 206-1 Purpose and intent.

It is the intention of this Local Law to ensure the efficient use of land, consideration of potential impacts on the environment and their avoidance, wherever possible, and the promotion of high standards in the design, layout, landscaping and construction of development, and to ensure development conforms to the provisions of this chapter.

§ 206-2 Applicability.

No development shall occur within the Village of Barker unless in accordance with the provisions of this article. No building permit, special use permit or certificate of occupancy shall be issued until all the requirements of this article have been satisfied and the site plan has been approved by the Planning Board. Variance applications may be processed simultaneously with site plan approval, and may be conditioned thereon.

- A. A site plan shall be submitted and required for the following:
- (1) Any development in any district that involves construction or an addition requiring a building permit or the addition or improvement of parking spaces, utilities/roads or stormwater management, special use permit, certificate of occupancy, change in use, or occupancy by a different entity.
 - (2) Any use requiring a special use permit.
 - (3) Residential development other than single- or two family uses.
 - (4) Churches, schools, institutional uses and recreational development where parking, landscaping or structures are invoked.

- B. Nothing herein shall require site plans for single- or two-family residences.

§ 206-3 Waiver.

Where a change in occupancy or use only, without significant site alteration, is requested, the Planning Board may, in its discretion, waive any requirement of this article upon a finding that further review is not necessary to achieve the purposes of this article.

§ 206-4 Matters addressed in site plan.

The site plan must address and depict the following:

- A. Parking.
- B. Means of access.
- C. Screening.
- D. Signs.
- E. Landscaping.
- F. Architectural features, including building facades.
- G. Locations and dimensions of buildings.
- H. Adjacent land uses.
- I. Physical features meant to protect adjacent land uses.
- J. Density of the site.
- K. Traffic effects.
- L. Compatibility with natural features.
- M. Lighting.
- N. Noise.
- O. Open space and green space.
- P. Fire lanes and emergency access.

- Q. Pedestrian movement.
- R. Loading.
- S. Recreation space.
- T. Infrastructure capabilities and availability.
- U. Any other element in this chapter.
- V. Off-road access amongst properties.
- W. Aesthetics of the site.
- X. Drainage, grading, and soil storage and removal.
- Y. Dumpster trash collection.
- Z. Such other elements as affect the site and neighborhood as the Planning Board may require.

§ 206-5 Preliminary procedure.

- A. Presubmittal Meeting. Prospective applicants for site plan review shall schedule a meeting with the Building Inspector, and such other persons as the Building Inspector shall designate for identification of critical development issues and the appropriate information to accompany the application. Appropriate review agencies and Village officials will be identified for coordination, and the SEQRA responsibilities will be addressed.
- B. Sketch plan. All applicants for site plan review may submit 12 copies of a sketch plan of the proposed development, an application with supportive information and a SEQRA environmental assessment form (Part I) to the Building Inspector for review by the Planning Board. The submission will be reviewed for completeness and be scheduled for Planning Board review by the Building Inspector, if the submission is complete as a site plan, submittal of a sketch plan is optional, and not required. The purpose is to review a proposed project for general conformance to Village regulations prior to preparation of a site plan, and to guide the applicant in site plan preparation. The sketch plan review shall precede formal site plan review, and shall not require any action by either the applicant or

the Planning Board. The Planning Board will review the overall design concepts, development layout, infrastructure, natural features, neighborhood implications and prospective environmental issues to guide the site plan development. The Planning Board may make recommendations and indicate issues which the applicant should address in the site plan, but no formal action is required.

C. Sketch plan requirements. The sketch plan shall include the following minimum elements for consideration:

- (1) A boundary survey of the property certified by a licensed surveyor or engineer, including overall dimensions, acreage, owner(s), adjacent owners, rights-of-way and easements.
- (2) A location map of the property identifying the general area and adjacent roads.
- (3) Identification of major landforms, streams, steep slopes and natural features.
- (4) Approximate location of existing and proposed structures, parking and loading spaces, site access and circulation, utility connections, buffers for adjacent development, easements and other planned development at a scale of one inch equals 200 feet or greater.
- (5) Anticipated changes to the site with respect to topography, grading, flood hazard areas, drainage and stormwater management, vegetation and landscaping, and physical features of the site.
- (6) The zoning of the site, and the zoning designation of properties surrounding the site.
- (7) Any other information as may be required by the Building Inspector to clarify the proposed development and/or aid the Planning Board in the evaluation of the application.

§ 206-6 Site plan contents.

An applicant shall prepare a formal site plan in accordance with this article and submit it to the Building Inspector. The site plan shall be prepared by an architect, landscape architect,

engineer or surveyor licensed in New York State and certified with their signature and seal. The Building Inspector shall determine the completeness of the application for consideration by the Planning Board based on the following minimal information:

- A. The location of the tract or parcel by means of an inset map at a scale not less than one inch equals 2,000 feet indicating the names of adjoining roads, streams, bodies of water, railroads, subdivisions and landmarks sufficient to identify the location of the property.
- B. A boundary survey of the property, plotted to scale, including the acreage and legal description thereof and the location of survey datum.
- C. A certificate signed by the surveyor or engineer setting forth the source of title and the place of record of the last instrument in the chain of title.
- D. Title of drawing, including the name and address of the applicant, the developer and person(s) responsible for preparation of the drawing.
- E. Existing structures, roads, easements, utility lines, streams and drainageways, floodplain and wetland designations, natural features and landforms.
- F. Existing topography at a maximum of two-foot intervals.
- G. Zoning and present use of the property and surrounding properties; setback of existing development to the nearest property line.
- H. A plan of the proposed site development at a scale of one inch equals 50 feet or larger that includes the following elements:
 - (1) North arrow, scale and date.
 - (2) Proposed streets and easements.
 - (3) Location, type and size of vehicle entrances, including fire lanes.
 - (4) All off-street parking, loading and stacking indicating surfacing, size and angle of stalls, width

of aisles and the schedule of spaces to serve the proposed development.

- (5) Location and layout of proposed structures, including number of floors, floor area, height, gross and net density, setback and proposed use of each structure.
 - (6) Proposed grading matched to existing contours and supplemented by finished floor, building and spot elevations, where appropriate.
 - (7) Location, type and height of lighting, fencing, retaining walls and screen planting, where required, and signage.
 - (8) Drainage channels and their direction of flow and stormwater management facilities.
 - (9) Proposed utility connections and location, size and grade of sewer and water lines.
 - (10) Refuse collection and removal areas and their screening from adjacent streets and properties.
- I. Water and sanitary sewer profiles identifying the vertical and horizontal alignments, connection details to existing facilities, invert and rim elevations, pump stations and force mains, hydrants, valves, blowoffs, etc.
 - J. Pavement profile and details, including a typical cross section of parking and drive areas, vertical and horizontal curves (where appropriate), entry and curb radii, handicapped parking designation and handicapped ramps and curbs.
 - K. Grading and drainage plan which incorporates stormwater management for the proposed development, including location, type and size of facilities and the identification of easements to accommodate existing and proposed drainage and management facilities; calculations of stormwater management and drainage prepared by a professional engineer are required in accordance with the regional and state requirements. Roadside ditches shall be covered unless the developer demonstrates to the satisfaction of the Board that, for engineering, covering is not feasible.

- L. General landscape plan and planting schedule.
- M. Summary of the proposed development, including uses, acreage, descriptions of the utility plans, projected traffic impact and circulation, site soils and zoning conditions that apply to the development. Any separate permits (state or federal) required for the development must be obtained prior to finalization of site plan approval. Proposed easement or right-of-way dedications must be provided on a separate plat map for recording.
- N. Cut and fill calculations indicating the quantities (cubic yards and estimated truck loads) of materials to be either removed from the site or trucked into the site. Transportation routes for these trucks must also be identified.
- O. An SWPPP, if required by the Planning Board for the proposed development under Chapter 159, Stormwater Management, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 159-4B.

§ 206-7 Site plan review procedures.

- A. Staff evaluation. An application for site plan review must be complete as specified in this article and submitted to the Building Inspector at least 15 days prior to the Planning Board meeting to provide adequate opportunity for review. The Building Inspector is responsible for coordination of the review and may include an Engineer, Attorney, Planning Consultant, Highway Superintendent, NYSDEC and other officials and agencies in the review process, as appropriate, to advise the Planning Board. The application must be accompanied by the application form, application fees (as established by the Village Board), plan as specified herein, supportive documentation, SEQRA environmental assessment form (all parts) and any additional information as may be requested by the Building Inspector or the Villages Engineer for consideration of the site plan. The evaluation shall include compliance with the Zoning Law and this article, consistence with Village maps and plans for development review, compatibility with neighborhood development and conformance with general principles of site planning and engineering.

- B. Public hearing. Following initial review by the Planning Board and determination that the site plan is complete and ready for consideration, a public hearing shall be scheduled before the Planning Board. The public hearing shall be conducted within 62 days of the receipt of a complete application and site plan, as determined by the Building Inspector or the Planning Board and shall be advertised in the Village's official newspaper at least five days prior to the hearing. Notices to the applicant and any identified involved parties will be distributed at least five days before the hearing. The public hearing may be waived by the Planning Board at sketch plan review or at site plan review. The hearing may be kept open by the Planning Board until all input is final.
- C. Environmental review. Any application for site plan review must be accompanied by a completed environmental assessment form. A SEQRA public hearing, if required, shall be coordinated with the site plan hearing and conducted simultaneously, where practical.
- D. Planning Board review. An applicant shall provide 10 copies, clearly legible, of the complete application to the Building Inspector for review by the Planning Board. The Planning Board shall review the site plan and make a determination based on the provisions of this article within 62 days of the close of the public hearing, unless extended by the applicant. The determination shall be in the form of a written record of approval, approval with conditions or disapproval of the site plan and shall be filed with the Village Clerk.
- E. If an SWPPP was submitted, the site plan and SWPPP comply with the performance and design criteria and standards established by the Village.

§ 206-8 Standards; specific conditions.

The Planning Board may impose special conditions or modifications limiting the use or occupancy of the proposed land and development consistent with the intent and purposes of this chapter. Any conditions so imposed shall become a part of the site plan approval and must be satisfied prior to the issuance of any permits for development. No building or other development permit shall be issued for property that is subject to a site plan except in conformity with the approved plan for that site. The Planning Board

approval or denial and any conditions thereto shall be guided by the following general standards for site development:

- A. Conformance with this chapter, adopted Village development plans, an approved development plan that includes the subject site, if one exists, and all other applicable laws.
- B. Compatibility of the proposed development with the natural features of the land and the environmental attributes of the site.
- C. The general layout and design of buildings, lighting, signage, open space and development features consistent with reasonable planning principles.
- D. The location and design of vehicular entrances/exits, including emergency access and fire lanes, in relation to the street system, traffic circulation and control within the site, and coordination of access points and circulation with adjoining properties.
- E. The provision and protection of pedestrian movement on the site and coordination of pedestrian movement with adjoining properties and the street system.
- F. The location and adequacy of parking, loading and stacking areas, including the provision of opportunities for handicapped parking.
- G. Provisions of landscaping, screening and buffers to complement development and protect adjacent uses from unsightliness, noise, glare and other nuisances. Such elements shall also be used to promote the availability of green space in nonresidential development and recreation space in residential development to avoid a continuous paved or built environment.
- H. Adequate provision of drainage and stormwater management facilities.
- I. Adequacy of sewer and water facilities, fire protection and conformance with Village regulations for the provision and construction of those services.
- J. The concurrence of Village agencies, the New York State Department of Transportation, New York State Department of

Environmental Conservation, and other county or state agencies, as appropriate.

- K. Adequately addressing each element required to be addressed in site plans pursuant to this chapter.

§ 206-9 Required improvements.

In furtherance of the purposes of this chapter and to assure the public safety and general welfare, the Planning Board may require improvements, including but not limited to:

- A. The designation of pedestrian walkways or sidewalks for the safe and convenient movement of patrons from store to store within the site and with adjoining sites.
- B. The dedication of rights-of-way and easements for all facilities to be publicly maintained prior to the issuance of any building permits or occupancy.
- C. The construction of all off-site curbs, gutters, sidewalks and road widening or construction as shown in the Village Plan, and any amendments thereto.
- D. The construction of curbs, gutters and drives which will permit vehicular travel on the site and their connection to and from adjacent parking areas and properties.
- E. Screening, fencing, walls, berms and screen plantings adequate to screen views in accordance with requirements of this chapter for adjacent subdivisions, contrasting development of less intensity and state highways of limited access. Designated plantings and landscaping shall be in accordance with the approved schedule and annually maintained by the property owner.
- F. Adequate sewer, water and stormwater drainage facilities in accordance with Village regulations, including lines, connections, retention facilities, valves, hydrants and other facilities.
- G. Any other improvement necessary to meet any condition of approval.

§ 206-10 Bond; public improvements.

Prior to the issuance of any building permit or authorization for development of any portion of the site, the owner and developer

shall comply with any public improvement provisions of the Village, and may be required to post a bond, cash deposit or letter of credit to guarantee compliance with site plan requirements.

§ 206-11 Site plan revisions; extension.

- A. No change, revision or modification to any approved plan may be made without the authorization of the Planning Board, except that any site plan may be formally revised in the same manner and utilizing the same process as originally approved by the Planning Board.
- B. Approval of a site plan authorized under this article shall expire one year from the date of approval unless building permits have been obtained for the proposed development. A single extension of one year shall be granted by the Building Inspector upon a showing of substantial efforts toward developing the project and good cause for the delay.

§ 206-12 Inspections; certificate of occupancy.

- A. 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 Building Inspector 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 Building Inspector 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 surety bond or portion thereof.
- B. A final occupancy permit may be issued for any appropriately completed building, or portion thereof, located on a part of an approved site plan, provided that:
 - (1) "As built" plans have been submitted and approved for the required improvements on the site plan that relate to and provide services to the requested building for occupancy;
 - (2) All inspections and conditions that are required for the service and support of the building requested for occupancy have been successfully completed and are certified for use by the proposed use(s) being requested;

- (3) Any off-site and on-site improvements related to and necessary to service the requested building for occupancy have been completed and successfully inspected; and
- (4) Any remaining on-site construction will not adversely affect the occupants or the intended use of the building requested for occupancy.

§ 206-13 Survival remedies.

- A. All requirements of Site Plan Approval shall survive the completion of the project, and may not be changed, altered or removed without approval of the Planning Board and shall be binding on all future owners, lessees and occupants of the site.
- B. Violations of this provision may be enforced by the Building Inspector or any Law Enforcement Officer. A violation of this provision is an offense punishable by a fine of not more than \$250.00. Each weeks continued violation shall:
 - (a) Constitute a separate offense in addition, and not by way of limitation.
 - (b) Violation may be subject to injunctive relief.

This law shall take effect immediately upon filing with the Secretary of State.