

Chapter 182

PLANNING

Article I

Site Plan Approval.

§182-1. Procedure for approval.

A. Authority and purpose; recreation fees.

- (1) Purpose. In order to ensure that development and use of land within the Village of Brewster will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods, and so to ensure that the health, safety, general welfare, comfort and convenience of the public is fully considered, this article of the Village of Brewster Zoning Chapter, entitled "Site Plan Approval," is hereby enacted in accordance with § 7-725-a of the Village Law of New York State.
- (2) The Planning Board shall also have the power to pass finally upon any site plan submitted in connection with any proposed development upon which it is empowered to take final action under any provision of this chapter. The Planning Board is hereby authorized, among other things, to review and approve, approve with modifications or disapprove any such site plan as to the size, location, character, architectural features and suitability of all buildings and facilities relating thereto, including the safety, adequacy and convenience of public and private ways, walks, streets and highways, required off-street parking and loading areas, access drives and turning areas related thereto, yards, landscaping, shrubbery screens, signs and required open spaces in relation to each other and to pedestrian and vehicular traffic and to the proposed use and the use and enjoyment of adjacent properties. In addition, the Planning Board shall consider the factors of drainage, road alignment, availability of sewer and water facilities and other engineering aspects of such site plan, and may require the review of such factors by engineering authorities, technical personnel or commissions which may be concerned with any proposed site plan. The Planning Board shall have the power to waive site plan requirements pursuant to § 7-725-a of the Village Law of New York State.
- (3) In passing upon the location, character and suitability of buildings and the facilities relating thereto, the Planning Board shall consider the design and proposed construction of all buildings and related developments to the extent that such design and construction shall conform to and not detract from the

architecture of the surrounding neighborhood.

- (4) Site plan recreation fees. Upon final approval of a site plan which shows an increase in bedrooms, the Planning Board, as a condition of approval, shall require either the setting aside of parkland or the payment by the applicant to the Village of a sum to be determined from time to time by resolution of the Village of Brewster Board of Trustees, which sum shall constitute a trust fund to be used by the Village of Brewster Board of Trustees exclusively for neighborhood park, playground or recreational purposes, including the acquisition or improvement of land. The Planning Board may, where appropriate, require the provision of parkland and the payment of a sum to the Village.

B. Uses for which approval is required.

- (1) Site plan approval by the Planning Board is required, unless otherwise excepted, for the use of land or the issuance of building permits pertaining to such use, for any permitted use, any use permitted by special exception use permit, signs, and for any nonconforming use changed in accordance with Article I of chapter 263. Site plan approval shall not be required for one single-family dwelling.
- (2) Site plan approval by the Planning Board shall also be required for any structures, driveways, drainage improvements or other improvements made to any lot created pursuant to a subdivision of land approved subsequent to the adoption of this chapter, including single- or two-family dwellings, subject to the following requirements and limitations. Approval of a site plan showing one or more lots shall not be considered approval of a subdivision of land as defined pursuant to this chapter.
 - (a) Site plan approval shall not be required for any individual accessory building with a building coverage of less than 400 square feet, nor any fence which conforms to the dimensional requirements of this chapter and chapter 263 of the Code, either of which are located on a lot for which site plan approval must otherwise be obtained.
 - (b) Approval of architecture shall not be required for any single-family dwelling for which site plan approval is required pursuant to this section, nor its accessory buildings and structures, excepting that any such accessory buildings or structures shall conform in general appearance to the principal structure on the lot.
 - (c) The location or size of any improvements on a lot used as a single-family dwelling for which a site plan has been approved by the Planning Board shall not be changed as to size or location except that upon review and

approval by the Village Code Enforcement Officer a change may be authorized, in writing, provided that:

- [1] The change does not significantly increase the volume of stormwater runoff or affect the drainage improvements on the site.
 - [2] The change does not create any substantial adverse environmental impact, or is contrary to any provision of this chapter of chapter 263 of the Code.
 - [3] The change is not in conflict with any condition placed on the site plan or contained in any resolution approving the site plan.
- (3) An appeal of any decision of the Village Code Enforcement Officer regarding a change of the size or location of an improvement shown on a site plan approved pursuant to Subsection B by any party aggrieved by this subsection shall be to the Planning Board.

C. Conditions for which approval is required.

- (1) No building permit shall be issued until the site plan approval, as required pursuant to this chapter, shall have been obtained from the Planning Board.
- (2) The owner of any building or site is required to notify the Code Enforcement Officer and the Planning Board of any proposed change of use in said building, or any change in the site plan or improvement shown thereon. For any change in use of a building or site, the Planning Board shall issue notice, in writing, within 60 days, that the change of use conforms with the requirements of the Brewster Code and no changes to the site improvements are required or that the change or use will require a change to the site plan or the improvements shown thereon.
- (3) No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of the site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto. A temporary certificate of occupancy may be issued prior to the completion of all the required conditions of the site plan approval in accordance with § 263-21 of the Code.
- (4) Any and all changes to an existing site plan shall be subject to the approval procedure as provided herein.

D. Application for approval.

- (1) Application for site plan approval must be in writing on forms provided by the Village, subscribed to and verified by the owner of the property or by the agent of the owner duly authorized as an instrument in writing, executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property. The number of copies required for submission shall be determined by the Planning Board. A fee schedule shall be established by resolution of the Village of Brewster Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fee schedule will be on file with the Clerk of the Village of Brewster. No application for site plan approval shall be reviewed or approved if any condition exists on the subject property which is in violation of the Village Code or the New York State Uniform Fire Prevention and Building Code, or if any outstanding balance is owed to the Village for professional consultant review fees relating to the subject property.
- (2) Application for such approval must be filed with the Village Engineer and the Village Code Enforcement Officer, together with the appropriate review fee by the owner of record or by his agent or other authorized person acting on his behalf. The date by which an application, a site plan and other supporting materials must be submitted in order for such application to be considered at such regularly scheduled Planning Board meeting shall be established by the Planning Board, subject to a public hearing, which shall have been advertised in a newspaper of general circulation not less than five days prior to the date of the public hearing.
- (3) Preliminary site plan review. Prior to the submission of a formal site plan, the applicant may meet in person with the Planning Board and/or its designated representative to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Planning Board's requirements in matters relating to the development of the site.
- (4) Application procedures for site plan approval. At least 15 business days in advance of the Planning Board's meeting at which a site plan or any amendment to it is to be presented, the information enumerated below must be submitted to the Village Engineer along with a letter of application addressed to the Secretary of the Planning Board for forwarding to the Planning Board. Ten copies of all materials shall be submitted, including the necessary application forms and SEQRA documentation. This information in total shall constitute the site plan application and shall be the same information, drawings and supplementary material normally understood to be completed working drawings and be the same material by which the building permit will be issued. Such plans shall be prepared

and signed by a professional engineer, land surveyor or architect licensed to practice in the State of New York. The information submitted, which in total shall constitute a site plan application, shall be as follows:

- (a) The title of the development; the date; a North arrow; a scale of not less than one inch equals 50 feet; a location map at a scale of not less than one inch equals 500 feet showing the location of the proposed project with respect to all streets and property within 1,000 feet of the applicant's tract and identifying all property in the area held by the applicant or any corporation or partnership in which the applicant is a party; the name and address of the record owner and of the architect, engineer, surveyor or planner preparing the site plan; and the lot, block and section number of the property.
- (b) The existing zoning of the property and all property within 150 feet of all lot lines of the premises and a narrative describing conformity to applicable zoning regulations, including variances.
- (c) Statement of use.

[1] A written statement of use describing in detail the nature and extent of the proposed use and occupancy; the provisions to be made for water supply, sewage disposal, solid waste disposal, drainage and other utilities; the anticipated vehicular traffic generation; and the impact upon adjoining property, the neighborhood and community facilities and services. A statement that there are no outstanding violations on the property, unless the application is to cure the violation.

[2] The statement of use shall include a zoning schedule^[1] indicating the area of the lot; the floor area of buildings and structures; the ground coverage by buildings and structures; the total ground coverage by buildings, other structures, paving and outside storage areas; and the computations of required off-street parking and loading spaces. Should any variances for any requirement identified in this article be required they should be explicitly identified in this table.

- (d) The boundaries of the property; building and setback lines; lines of existing streets, lots, easements and areas dedicated to public use; and an existing pedestrian and vehicular circulation diagram for the site and immediate area.

- (e) The location and dimensions of existing buildings on the applicant's entire property and approximate location of all neighboring structures within 50 feet of all lot lines of the premises, including the approximate location and dimensions of all existing structures.
- (f) The location of all existing and proposed water mains, sanitary sewer service connections, culverts and drains on the property, with pipe sizes, grades and direction of flow, and other underground utilities to the extent relevant and the location of all utilities in the adjacent street and connections to structures on the premises.
- (g) Existing contours with intervals of two feet or less extended at least 10 feet into adjoining properties, referenced to a datum satisfactory to the Planning Board; locations of existing watercourses, marshes, rock outcrops, vegetative cover, wooded areas, trees with eight-inch diameter or more and other significant features and the location, depth and results of soils samples, test borings, test pits and seepage tests.
- (h) Existing and proposed fences, landscaping and screening and all other existing and proposed improvements.
- (i) Identification of all slopes in excess of 15% within a fifty foot radius of the site.
- (j) The boundaries of any area subject to flooding or stormwater overflows, including flood hazard areas established by the United States Department of Housing and Urban Development, and the locations of all proposed and existing water hydrants.
- (k) The proposed stormwater drainage system.
- (l) The locations and specifications of all proposed exterior site illumination, including lighting for public walkways, parking areas and other public spaces. The proposed location, direction, intensity and timing of proposed outdoor lighting shall be highlighted.
- (m) The location, type, size, wording, design, color and illumination of all signs.
- (n) The location, layout, finished grade pavement specifications and curbing proposed for all parking and loading areas, driveways and access roads and sidewalks, including profiles.
- (o) The extent and amount of cut and fill for all disturbed areas, including

before and after profiles of typical development areas, parking lots, roads and retaining walls.

- (p) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Part 1, Article II, of Chapter 209 of the Code of the Village of Brewster. The approved site plan shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.
- (q) The proposed use or uses and locations of buildings, including proposed grades.
- (r) All proposed lots, easements and public community areas; all proposed streets, with profiles indicating grading and cross sections showing the width of proposed sidewalks and locations and sizes of utility lines and/or pipes and proposed curbs.
- (s) A proposed screening and landscaping plan, including a planting plan prepared by a landscape architect or architect. Included in the plan shall be an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction as well as the location, design and proposed screening of outdoor storage areas.
- (t) Location, width and approximate grade of all proposed streets, showing center line, radii, high and low points and sags.
- (u) Profiles showing existing and proposed elevations along the center line of all proposed streets or driveways and the elevations of existing streets for a distance of 200 feet on either side of their intersection with a proposed street or driveway.
- (v) Approximate location and dimensions of all property proposed to be reserved for park or public use.
- (w) The boundaries of all wetlands, watercourses, water bodies and their associated control areas within 100 feet of all lot lines of the premises.
- (x) In the Light Manufacturing and Wholesale District (LMW), the specific uses proposed, the number of employees for which buildings are designed,

the type of power to be used for any manufacturing process, the type of wastes or by-products to be produced by any manufacturing process and the proposed method of disposal of such wastes or by-products shall be identified.

- (y) The stages of development or construction proposed and a statement from the applicant on steps the applicant will take to protect the surrounding neighborhood from noise, pollution, traffic or disruption is required.
- (z) Schematic architectural plans of all proposed buildings, structures, signs and outdoor storage facilities, which may be preliminary in form but shall include exterior elevation drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, roofline, ornamentation, interior uses and general character and, with the exception of signs and outdoor illumination of facilities, shall bear the seal of a registered architect or professional engineer licensed to practice in the State of New York.
- (aa) The application shall be signed by the applicant and the owner of record if the owner is not the applicant.
- (bb) A statement from the applicant's engineer indicating the estimated cost of construction of all new public streets and sidewalks and of the water supply, sanitary sewerage and storm drainage systems upon submission of a final site plan is required.
- (cc) All applications shall be reviewed, considered and approved in accordance with the State Environmental Quality Review Act.

E. Notations.

- (1) Each site plan shall contain an endorsement block for the Planning Board stating:
"Approved by resolution of the Planning Board of the Village of Brewster,
New York, on the _____ day of _____ 20____. Any change, erasure,
modification or revision of the plan, as approved, shall void this approval.

Signed this _____ day of _____ 20____, by

Chairman

Secretary”

- (2) Each site plan shall contain the endorsement of the property owner and the applicant stating: "The undersigned owner of the property hereon states that he is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon."
 - (3) Each site plan shall contain the signature and seal of the design professional who prepared the plan.
- F. Additional submissions. Any other information determined necessary or appropriate by a majority of the members of the Planning Board in order to provide for the proper administration and enforcement of this section shall be submitted.
- G. Exceptions. In appropriate circumstances, the Planning Board, upon application by the applicant, may waive the provision of any items of information listed in Subsection D(4).
- H. Guiding principles. No building permit may be issued for any building within the purview of this section except in conformance with an approved site plan. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site development plan.
- (1) All site plans, including site plans necessary for special exception use permits or variances, shall require approval by the Planning Board and shall be required in all districts for:
 - (a) The erection, enlargement or change of use of any building or structure, other than one single-family dwelling. Any building or structure requiring a building permit, variance or special exception use permit for a building other than single-family dwellings shall be referred by the Zoning Board of Appeals to the Planning Board for the Planning Board's review and recommendation as to the adequacy of the site plan.
 - (b) All uses of open land for which a certificate of occupancy is required.

- (c) Any amendment of a previously approved site plan.
- (2) The following criteria and standards shall be used by the Planning Board in reviewing applications for site plan approval:
- (a) Comprehensive Plan. The site plan shall be in conformance with the vision statement, purpose and intent of the current Comprehensive Plan of development or supplement or amendment thereto adopted by the Village of Brewster Board of Trustees pertaining to the area in which the use is to be located.
 - (b) Neighborhood. The use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood and to preserve and enhance the appearance, scale and beauty of the neighborhood.
 - (c) Existing streets. Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks in accordance with the pattern of development along the street.
 - (d) Vehicular access. Provision shall be made for vehicular access to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street. Access shall also conform to the following:
 - [1] Where alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by existing residential neighborhoods.
 - [2] Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - [3] The street giving access to the lot shall have traffic-carrying capacity to accommodate the amount and types of traffic generated by the proposed use.
 - [4] Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be

made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.

- [5] Vehicular access shall be of a design and have sufficient capacity to avoid backup of entering vehicles within any street.
- [6] Vehicular access shall achieve maximum practicable distance from street intersections and from existing and proposed access connections to adjacent properties. The Planning Board shall have the right to restrict access to one point or to require shared vehicular access in order to minimize curb cuts.
- [7] Vehicular access into the lot shall not exceed a grade of 10% and shall meet the street line and travelway of the street in such a manner as to conform to the standard cross section for the street as may be specified by this chapter.

- (e) Pedestrian safety. Insofar as practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize adverse effects of vehicular traffic upon sidewalks and bicycle paths.
- (f) Parking and loading. Off-street parking and loading spaces shall be provided in accordance with the provisions of § 263-18 and the landscape standards of this chapter. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Insofar as practicable, separate rows or aisles in parking areas shall be divided by trees, shrubbery and other landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.
- (g) Sanitation. Proper provision shall be made for the water supply and sewage disposal requirements of the proposed use. Connections to Village water and sewer shall be designed and constructed in accordance with Village ordinances and as directed by the Village Water and Wastewater Superintendent. In addition, provision shall be made for the collection, storage and disposal of solid wastes accumulated in connection with the

proposed use and for the control of litter by means of receptacles, fences or other means and the screening of such storage receptacles.

- (h) Fire protection. Proper provision shall be made for fire protection, taking into account any recommendations of the Village Code Enforcement Officer or the Village Fire Inspector, including the following:
 - [1] A suitable location for and access to fire hydrants and/or fire ponds and other water storage.
 - [2] Suitable access to buildings and storage areas for the operation of fire protection vehicles and equipment.
 - [3] Sufficient controls on traffic and parking to permit access by fire protection vehicles in emergencies.
 - [4] Adequate circulation driveways within the lot, coordinated with access to other lots, to permit access by fire protection vehicles.
- (i) Utility services. Electric, telephone and other wire served by utility lines and service connections shall be underground insofar as feasible and subject to state public utility regulations. Any utility installations remaining aboveground shall be located so as to have a harmonious relation to neighboring properties and to the site. Utility services, such as air-conditioning units, that are located on building rooftops shall be adequately screened from the views from adjacent properties and abutting streets.
- (j) Ecological considerations. The development shall comply with the following requirements insofar as practicable:
 - [1] Stormwater. The site plan shall comply with the current state, county and Village ordinances pertaining to stormwater handling, treatment and discharge.
 - [2] Critical areas. Development shall result in minimal degradation of unique or irreplaceable land types and have minimal adverse impact upon the critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils, areas with a high water table, mature stands of vegetation and extraordinary wildlife nesting, feeding or breeding grounds.
 - [3] Erosion and sedimentation. Provision shall be made for control of erosion and sedimentation and for avoiding siltation of streams and

wetlands both during construction and upon completion thereof.

[4] Landscape. The landscape shall be preserved in its natural state, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

[5] Relation of proposed structures to environment. All proposed nonresidential structures shall incorporate "Leadership in Energy and Environmental Design" (LEED) standards to the maximum extent practicable. Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures. The achievement of such harmonious relationships may include the enclosure of space in construction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

[a] Proposed structures shall be so sited as to minimize any adverse impact upon the surrounding area, and particularly upon any nearby residences, by reason of the following characteristics of any proposed structures:

[i] Building location, height, bulk and shadows.

[ii] The location, intensity, direction and times of use of outdoor lighting.

[iii] The likelihood of nuisances.

[iv] Other similar considerations.

[b] Appropriate natural or artificial screening may be required to minimize any such adverse impact.

[6] Scenic, historic, archaeological and landmark sites. Scenic, historical, archaeological and landmark sites and features that are

located on or adjacent to the proposed development shall be preserved and protected insofar as practicable.

[7] Noise. All applicable federal, state and local regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.

[8] Advertising features. The size, location, height, design, color, texture, lighting and materials of permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures or of the surrounding properties. Signs shall be in accordance with Chapter 199 of the Code of the Village of Brewster.

[9] Lighting. The location, height, design, arrangement and intensity of outside lighting, including the illumination of signs, shall avoid unreasonable glare and veiling glare on the lot, on any other lot and in any street. Such lighting shall also avoid hazards to traffic and shall harmonize with the neighborhood.

(k) Outside storage. Outside storage areas, machinery and structures, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property. Any permitted outside storage areas shall not extend into the required yards for setback from a property line, street line or residence district boundary line and shall not exceed a minimum of 25% of the area of the lot.

(l) Handicapped persons. The site plan for any use to which the public is invited or expected to visit shall comply with Americans with Disabilities Act (ADA) requirements in effect at time of approval.

I. Referral to other agencies. Site plans within 500 feet of state or county facilities shall be immediately referred by the Village Planning Board to the Putnam County Planning Department through the Village Clerk. Notice shall be mailed to the Putnam County Planning Department pursuant to § 239-m of the General Municipal Law and § 7-725-a of the Village Law. Any plans showing access to a state road shall be referred to the State Department of Transportation. Sites, including state-designated wetlands or abutting state wetlands, shall be referred to the State Department of Environmental Conservation. Sites that include or abut the New York City Watershed as identified on the Environmental Assessment Form (EAF) shall be referred to the New York City Department of Environmental Protection, Bureau of Water Supply and Wastewater Collection for the

Croton System Water Supply. Recommendations shall be requested from these agencies within 30 days from the time of submission of the site plan to the Village. Sites that include historic structures shall be referred to the Village Historian for review.

J. Landscape standards and submission requirements for parking lots and screening and buffer areas. The objective of this subsection is to preserve the natural character of off-street parking areas and certain other setback and yard areas of multifamily and nonresidential developments and adjacent areas. Landscape plans prepared by a New York State registered landscape architect shall be submitted that comply with the following specific goals:

- (1) To provide natural visual screening of parking areas and along property boundaries to preserve the existing visual quality of adjacent lands.
- (2) To reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas, and through the use of pervious devices wherever impervious surfaces are proposed.
- (3) To provide natural buffers that reduce glare and noise.
- (4) To moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural windbreaks.
- (5) To enhance the overall visual quality of new development by providing a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

(a) Parking lot standards.

[1] Off-street parking and loading areas, where the physical setting is appropriate, shall be curbed and landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board, based upon consideration of the adequacy of the proposed landscaping, to assure the establishment of a safe, convenient and attractive parking facility needing a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. These standards shall apply to all proposed site plans.

[2] At least one tree, of not less than three-inch caliper measured three feet above ground level at the time of planting, shall be provided within such parking area for each 10 parking spaces. In all off-street parking areas containing 25 or more parking spaces, at least 10% of the interior of the parking area shall be curbed and

landscaped with trees, shrubs and other plant material.

[3] Raised or partially raised planting islands, at least four feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. The islands shall be tailored to conform with the size of the lot under consideration. Such raised planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.

[4] No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.

[5] All self-propelled maintenance equipment, including accessories, shall be stored in enclosed structures only, which structures shall conform to the architectural theme of the development.

(b) Exterior lighting standards. All exterior lighting accessory to multifamily or nonresidential uses and all exterior lighting of recreation facilities accessory to a residential use, including the lighting of signs, shall be of such type and location and shading. No exterior lighting shall be located at a height exceeding 14 feet unless manufacturer's specifications require otherwise and indicate that the standards stated herein shall be met.

(c) Screening and buffer area standards.

[1] All disturbed portions of multifamily and nonresidential properties which are not used for buildings, structures, off-street parking and loading areas, sidewalks or similar purposes shall be suitably landscaped and permanently maintained with planting of trees and shrubbery, as approved by the Planning Board as part of the site plan, so as to minimize erosion and stormwater runoff and harmoniously blend such uses with the character of the Village as a

whole.

[2] On all multifamily and nonresidentially developed properties, a landscaped buffer area shall be required to screen and protect neighboring residential properties from the view of uses and parking areas on the site, provided that a wall or fence, whose height and design has been approved by the Planning Board, has not been substituted for the required planting. A buffer area shall:

[a] Be at least 20 feet in depth along any lot line abutting or directly across the street from a lot in a residential district.

[b] Be of plantings of such type, height and spacing as, in the judgment of the Planning Board, will effectively screen the activities on the lot from view of persons standing on adjoining properties. The plan and specifications for such planting shall become part of the approved site plan, shall be filed with the approved plan for the use of the lot, and shall be complied with prior to issuance of a certificate of occupancy.

(d) Modifications. Where the existing topography and/or landscaping provides adequate screening, the Planning Board may modify the planting and/or buffer area requirements.

(e) Maintenance. All plantings shown on an approved site plan shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants at the beginning of the next growing season.

(f) New plantings. All new plant materials shall be consistent and compatible with the existing vegetation of the site and the surrounding area. Plant materials judged to be inappropriate by the Planning Board will not be approved. New plantings should be compatible with native vegetation and this growing region. New plantings must meet the soil needs of the site and adhere to erosion control and runoff needs.

(g) Submission requirements. Landscaping plans shall be included with the site plan submissions and shall consist of the following:

[1] Preliminary landscaping plan:

- [a] A general concept of the landscaping both in written and graphic form.
- [b] A list of existing vegetation, with the location, type and size of existing trees.
- [c] Proposals to preserve and protect existing vegetation during and after construction.
- [d] The location of existing natural features, such as streams, wetlands and rock outcroppings.

[2] Final landscaping plan:

- [a] All proposed physical improvements, such as buildings, walls, parking areas, sidewalks, etc.
- [b] Proposed landscaping materials, including:
 - [i] Existing vegetation to remain.
 - [ii] Types of new plant materials, identified by common name and botanical name.
 - [iii] Sizes of all new plant materials by height and/or diameter.
 - [iv] Quantities of each of the planting materials.
 - [v] Treatment of ground surfaces (paving, seeding and ground cover).
- [c] Methods for controlling erosion and protecting landscaped areas, particularly during the construction phase, including:
 - [i] A grading and drainage plan.
 - [ii] An irrigation plan or the location of water outlets.

K. Variances in conjunction with site plan application.

- (1) No application will be deemed complete unless it complies with all the requirements of this chapter and chapter 263 of the Code, and any necessary variances have been granted by the Zoning Board of Appeals.
- (2) In cases where an application requires one or more variances, the applicant shall be advised by the Code Enforcement Officer that such variances may be obtained

by submitting an application to the Zoning Board of Appeals who shall also advise the applicant of the procedures and requirements to be followed in obtaining any necessary variances from the Zoning Board of Appeals. No further actions shall be taken with respect to the application unless and until all required variances have been approved by the Zoning Board of Appeals.

- (3) After approval by the Zoning Board of Appeals of any necessary variances, an application for site plan approval may be submitted and processed in accordance with this section.

L. Compliance. Upon completion of construction, an as-built plan shall be submitted to the Village Code Enforcement Officer which shall show all elements of the site as actually constructed. Except as provided by the Building Codes,^[4] no certificate of occupancy may be issued until the as-built site plan has been reviewed by the Village Code Enforcement Officer and Village Engineer and found to be in compliance with the approved site plan.

M. Amendments to approved site plan.

- (1) Minor amendments. During construction, the Village Code Enforcement Officer, upon consultation with the Village Engineer, may authorize minor adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering consideration, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the concepts of the approved site plan.
- (2) Substantial amendments. Where unforeseen conditions are encountered which require any change to an approved site plan which the Village Code Enforcement Officer considers substantial or where the applicant wishes to modify the approved plan for other reasons, an amended site plan shall be filed with the Code Enforcement Officer and Village Engineer for review and approval in accordance with the same procedures required for initial applications.

N. Performance bonds or financial guaranty. The applicant may be required to post performance bonds or similar financial guaranties in sufficient amounts and duration to assure that all streets or other public places shown on the site plan shall be suitably graded and paved and that street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices, including necessary ducts and cables or other connecting facilities, sanitary sewers and storm drains shall all be installed in

accordance with standards, specifications and procedures acceptable to the Village Engineer. Such bond shall be posted in accordance with § 7-730, Subdivision 9, of the Village Law of New York State.

- (1) Legislative intent. In order to ensure that once a project has been started it shall not be abandoned, partially completed or left in a state which will cause erosion of the soil, improper drainage or any other condition which will result in the deterioration or devaluation of the surrounding land or neighborhood, and in order to ensure that, while under construction, the workmanship and materials used shall promote the long life of the project and the health, safety and welfare of the future users of the subject premises and surrounding areas, the Village of Brewster Board of Trustees has determined it to be a proper exercise of authority conferred upon it by the laws of the State of New York to require the posting of adequate security for the performance of required infrastructure and improvements contemplated in connection with a residential or commercial site development.
- (2) Procedure.
 - (a) Prior to the grant of final site plan approval for a particular project, the Planning Board, in considering the recommendation of the engineering authorities available to it, shall recommend the amount of performance security to cover the full cost of the required site improvements as shown on such final site plan. The Planning Board shall make a referral of the matter regarding the establishment of the amount of performance security of a particular project to the Village of Brewster Board of Trustees, which referral shall include its recommendation as to the amount of such performance security. The performance security shall become effective only if and when the Village of Brewster Board of Trustees shall have approved it as to form, sufficiency of surety and manner of execution.
 - (b) The performance security shall be in the amount approved by the Village of Brewster Board of Trustees in the form permitted by § 7-730, Subdivision 9, of the Village Law of the State of New York.
 - (c) Such performance security, if in the form of a performance bond or letter of credit, shall run for a term to be fixed by the Planning Board, but in no event for a term longer than three years; provided, however, that the term of such security may be extended by the Planning Board with the consent of the parties thereto. In the event that such security is in the form of an irrevocable letter of credit, such a letter of credit shall contain a provision requiring automatic renewal thereof unless, not less than 30 days prior to

its expiration, the Village of Brewster is given written notice of the issuing institution's intention not to renew such letter of credit.

- (d) The performance security in the full amount established by the Village of Brewster Board of Trustees shall be posted with the Village Clerk upon grant of final site plan approval. No building permits shall be issued for and no site preparation work shall be commenced on the subject premises unless and until the necessary performance security has been posted.
 - (e) A duly designated official of the Village shall inspect the improvements during construction to assure their satisfactory completion.
 - (f) During the course of construction, the performance security may be reduced, in the sole discretion of the Village of Brewster Board of Trustees upon the recommendation of the Planning Board, to an amount certified by the Village Engineer or consulting engineer to be the probable cost of completion of the remainder of the required site improvements, but in no event shall such amount be reduced to less than 50% of the original amount of the performance security until all work is completed.
 - (g) The performance security shall be released or reduced only by the Village of Brewster Board of Trustees and only upon recommendation of the Planning Board after certification by the Village Engineer or consulting engineer that all or part of the required site improvements have been completed in conformance with the approved final site plan and all applicable regulations.
- (3) Site improvements subject to bonding. The following items are considered essential to the principles stated above and shall be included in the amount of the performance security to be set:
- (a) Site grading, including replacement of topsoil and seeding, and including necessary structural features such as retaining walls and ground cover.
 - (b) Drainage, including waterways, conduits and all necessary appurtenances and structures.
 - (c) Water, stormwater and sanitary sewer systems, including all wells, conduits, structures and appurtenances as may be required by those government agencies having final jurisdiction for approval of those systems.
 - (d) Foundation course, pavement, curbs and sidewalks for all roads, drives, parking areas and walkways.

- (e) Lighting, including all necessary wiring, structures and appurtenances.
 - (f) Landscaping, including all shrubs, trees and screening as may be required to ensure that the final site condition meets with the site plan approved by the Planning Board.
 - (4) Phased projects. In the event that a particular site plan is to be constructed in sections or phases, the Planning Board, in its sole discretion, taking into consideration the importance of the entirety of the site improvements on the section or phase to be constructed, may recommend to the Village of Brewster Board of Trustees that the performance security be posted for only so much of the project as is going to be constructed in a particular phase or section; provided, however, that no building permits shall be issued for and site work shall be conducted on any future phase or section unless and until the required performance security is established for such future phase or section and properly posted in accordance with the provisions of this section.
 - (5) Default. In the event that any required site improvements have not been installed as provided in this section within the term of the performance security, the Village of Brewster Board of Trustees may thereupon declare said performance security to be in default and collect the sum remaining payable thereunder, and, upon receipt of the proceeds thereof, the Village shall install such improvements as are covered by such security and are commensurate with the extent of building development that has taken place on the site. In the event that no building has taken place but site preparation has taken place, the proceeds of the security shall be used, to the extent practicable, to restore the site to its original state and avoid erosion and adverse drainage conditions.
- O. Fees for site plan review. Fees for submission of an application requesting site plan approval shall be in accordance with the current schedule of fees adopted by resolution of the Village of Brewster Board of Trustees.
- P. Public hearing. A public hearing shall be required prior to final approval by the Planning Board in accordance with § 7-725-a, Subdivision 8, of the Village Law of New York State.
- (1) A public hearing on a site plan application shall be scheduled and conducted by the Planning Board within 62 days after receipt of a properly completed application. Notice of the public hearing shall be provided to a newspaper of general circulation in the Village such that it may be advertised in the newspaper at least five days prior to the date of the hearing.
 - (2) Official submission. In order to determine the date of submission from which a

public hearing is required to be held, an application, complete in every respect and accompanied by the required plans and fees, shall be considered officially submitted to and received by the Planning Board on the date of its regularly scheduled monthly meeting following no less than 14 days the date on which the same was submitted to the Secretary or Clerk of the Planning Board.

- (3) At least 10 days prior to the day of any public hearing, the Planning Board shall give notice by mail to any adjacent municipality that is within 500 feet of any property for which an application for a site plan is being considered.

Q. Notice to property owners.

- (1) The applicant shall mail notice of the public hearing to all property owners whose property is within 500 feet of the site of the proposed project or within 500 feet of any property contiguous to said site that is owned partially or wholly by the applicant or property owner, members of the applicant's and property owner's family(ies) or firms in which the applicant or property owner owns a financial interest.

- (a) Such notice shall be mailed, certified return-receipt requested, not less than 15 calendar days prior to the date of the public hearing scheduled by the Planning Board. Prior to the public hearing the applicant shall provide to the Planning Board a copy of the required notice and an affidavit listing all of the property owners to whom such notice was mailed and copies of all mailing receipts.

- (b) Such notice shall be in a form approved by the Planning Board, including no less than:

- [1] The name of the applicant.

- [2] The location of the site of the proposed site plan.

- [3] A brief description of the proposed use of the property including, as a minimum, the total acreage involved, the total area of disturbance, the location of proposed entrances and the proposed methods of providing water supply and sewage disposal.

- [4] The date, time and place of the public hearing.

R. Waiver of site plan approval.

- (1) Site plan approval as required in this section may be waived in whole or in part when the site plan is for a conforming or nonconforming use or occupancy that will not enlarge an existing building or if there is a proposed enlargement of an

existing building for less than 10% of the minimum floor area for dwelling units or minimum floor area for other uses and where said conforming or nonconforming use or occupancy would also conform to all other requirements of this chapter and chapter 263 of the Code.

- (2) For said waiver, the applicant shall submit to the Planning Board a written request setting forth the following:
 - (a) A detailed statement of the applicant's proposed use of the building or property, including detailed information on the conformity and adequacy of the on-site parking and loading facilities, signs and all other applicable information required by this section and other Village ordinances for the proposed use in the zone in which said use is located.
 - (b) The applicant's reasons for requesting a waiver of all or part of the site development plan requirements of this chapter.
 - (3) In considering a request for waiver of site development plan approval, the Planning Board shall consider the standards and other requirements for said site development plan approval as contained in this article. The Planning Board shall make findings that the approval of the waiver does not impair the intent and purposes of the site development plan requirements of this chapter.
- S. The Planning Board's findings and written approval or disapproval with or without conditions shall be forwarded to the applicant and the Code Enforcement Officer or other Village agency or department, where appropriate.
- T. Expiration of approval. The approval of any site plan by the Planning Board, excepting a residential site plan, shall be deemed null and void one year from the date thereof unless a building permit in compliance therewith shall have been obtained and construction thereunder shall have progressed such that structural improvements as shown on the approved plan have been installed on the site. Expiration of the building permit shall constitute an expiration of the approved site plan. In the event that no building permit is required for a site plan, approval of the site plan shall be deemed null and void one year from the date of the approval unless the improvements shown thereon have been substantially completed. The expiration of such approval of a site plan shall not prevent the submission of a subsequent application and site plan, which shall be considered without reference to the prior approval.
- U. Damage to conforming building. Any building or structure which conforms to the requirements of this chapter, and chapter 263 of the Code, and has also received site plan approval, and which has been destroyed or damaged from any cause to the extent, as determined by the Code Enforcement Officer, of over 50% of the volume of its structure

above the foundation, the owner thereof, or authorized agent of the owner, shall apply for a permit from the Code Enforcement Officer to rebuild or restore the damaged portion of any building damaged or destroyed within six months of the day of such damage, and said application shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects.

Article II

Subdivision Approval.

§182-2. Applicable provisions.

- A. Subdivision plats shall be approved by the Planning Board in accordance with §§ 7-728 through 7-740 of the Village Law of the State of New York.
- B. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part 1, Article II, of Chapter 209 of the Code of Village of Brewster. The approved preliminary subdivision plat shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.
- C. Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Part 1, Articles I and II, of Chapter 209 of the Code of the Village of Brewster and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part 1, Article II, of Chapter 209 of the Code of the Village of Brewster. The approved final subdivision plat shall be consistent with the provisions of Chapter 209 of the Code of the Village of Brewster.

Article III

Lot Line Change / Lot Line Adjustment.

§182-3. Lot line change / adjustment.

- A. Definitions.

- (1) LOT LINE ADJUSTMENT AND /OR LOT LINE CHANGE - Any change in existing property lines between two or more adjoining properties, excluding the joinder or combination of one or more lots into a larger single parcel.

B. Submission requirements.

- (1) In order that the Planning Board may adequately understand the proposed lot line adjustment, the initial submission shall consist of eight (8) copies of the following documents:
 - (a) Application Form.
 - (b) Copies of all prior actions of the Board of Trustees, Zoning Board of Appeals, and any other County, State, or Federal Agency.
 - (c) Copies of any restrictions or easements on the land (copy of deed).
 - (d) Lot line Adjustment Plan. The Lot line Adjustment Plan shall contain the information as outlined herein.
 - (e) A short form Environmental Assessment Form (EAF).
- (2) The review fee for lot line adjustment consideration in an amount as set forth by the Board of Trustees in the Fee Schedule.
- (3) An application for a lot line adjustment shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board accompanied by ten (10) copies of the items described in A.
- (4) A lot line adjustment plan shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement (DEIS) has been filed in accordance with the provisions of the state environmental quality review act (SEQRA). The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (5) Within sixty-two (62) days of the receipt of a complete application the Planning Board by resolution shall disapprove or approve, with or without modifications and/or conditions and authorize the signing of the plat.
- (6) A conditional Final Approval of lot line adjustment plat shall expire within one hundred eighty (180) days of the approval if the conditions of the approval have not been complied with. The signature of the duly authorized officer(s) of the

Planning Board shall constitute final approval by the Planning Board of the plat. Final plat approval shall expire within sixty-two (62) days of the signing of the plat unless such plat has been filed or recorded by the owner in the office of the County Clerk.

- (7) A lot line adjustment shall not result in additional lots, any lot becoming substandard nor increase/decrease of any lot by more than twenty-percent (20%) or twenty thousand (20,000) square feet of its original lot area.
- (8) Lot line adjustments submitted to the Planning Board shall be drawn to a scale of not more than 1" = 50', submitted on uniform size sheets not more than 36" by 48" and shall show the following information:
 - (a) Proposed project name or identifying title. (MUST INCLUDE "LOT LINE ADJUSTMENT" IN THE TITLE)
 - (b) Date, North Point, and Scale.
 - (c) Name, address, seal and signature of professional engineer or land surveyor preparing the plat.
 - (d) A key map at a scale of one inch equals 800 feet, showing the relation of the portion to be subdivided to the entire tract and the relation of the entire tract to its neighborhood for at least 1,000 feet beyond its boundaries.
 - (e) A legend, including, names of all adjacent landowners and those within 500 feet of any property line; zoning district the site is located in with the requirements of said zone compared to the proposed standards, as well as the abutting zones in the subdivision; names and addresses of owner(s).
 - (f) All proposed lot lines, dimensions in feet and the areas of all lots in square feet. Meets and bounds description of all proposed lot lines.
 - (g) The location of proposed setback lines (setback envelope).
 - (h) Existing or proposed covenants or deed restrictions applying to the site.
 - (i) Location, composition, and approximate size of all monuments.
 - (j) Signature Block for Planning Board Chairman to endorse approved Plat.
 - (k) Label "old" and "new" property lines.
 - (l) Location of all structures, wells, and septic systems.
 - (m) Putnam County Dept. of Health approval.

Article IV

Planning Board.

§182-4. Establishment.

Pursuant to Article 7 of the Village Law of the State of New York, there shall be a Planning Board.

§182-5. Composition; appointment; terms.

The Planning Board shall consist of five members. The members of the Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. All such appointments shall not exceed a term of five years.

§182-6. Officers.

The Chairperson of the Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. The term of the Chairperson shall be one official year, and shall be appointed each year at the organizational meeting of the Board of Trustees. In the absence of a Chairperson, the Planning Board may designate a member to serve as Acting Chairperson.

§182-7. Meetings; quorum; vote.

The Planning Board shall hold at least one regular meeting each month and such executive sessions and public hearings as deemed necessary or as may be called by the Chairman. No action of the Planning Board shall be valid unless authorized by a majority vote of the fully constituted Planning Board, regardless of absences or vacancies.

§182-8. Removal of members; filling of vacancies.

- A. Members of the Planning Board shall be removable by the Village of Brewster Board of Trustees, after a public hearing, by a vote of the majority of the Village of Brewster Board of Trustees.
- B. Vacancies on the Planning Board shall be filled by the Village of Brewster Board of Trustees for the unexpired term of the member whose term becomes vacant.

§182-9. Rules and regulations; records.

The Planning Board shall from time to time adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

§182-10. Consultants; expenditures.

The Planning Board shall have full power and authority to make such investigations, maps and reports and recommendations relating to the planning and development of the Village, provided that the total expenditures of said Board shall not exceed the appropriation of expenses.

§182-11_. Powers.

- A. The Planning Board of the Village of Brewster is authorized and empowered to approve, approve with modifications or disapprove:
- (1) Site plans in accordance with local law XXX.
 - (2) Subdivision plats in accordance with [TBD] local law XXX
 - (3) Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the Putnam County Clerk's office.
 - (4) The laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Village Law and Highway Law.
- B. The Planning Board may require the posting of performance bonds or letters of credit in accordance with § 7-730 of the Village Law of the State of New York.

§182-12. Referral and reports.

The Village of Brewster Board of Trustees may refer any matter or class of matters to the Planning Board, before final action, for a report to be submitted within a reasonable amount of time as fixed by the Board.