

Caroline Site Plan Review

Article II - Applicability and Definitions

2.010 Applicability of Review Requirements

The following new Land Use Activities, and modifications of existing Land Use Activities as listed in this section, shall require Site Plan review and approval before being undertaken and before a building permit or certificate of occupancy can be issued:

- a. Commercial uses having Gross Floor Area of 10,000 square feet or more and/or Site Disturbances greater than one acre.
- b. Commercial uses of any size having a Drive-Through Facility, excepting home occupations.
- c. Institutional uses, including schools, educational uses, churches, museums, and nursing homes, having Gross Floor Area of 10,000 square feet or more and/or Site Disturbances greater than one acre.
- d. Heavy Industrial Uses of any size, including temporary and permanent facilities.
- e. Light Industrial Uses having Gross Floor Area of 25,000 square feet or more and/or Site Disturbances greater than one acre.
- f. Multi-Family Residential uses as defined in Section 2.040 (bb) of this law. (2.040 (bb) Multi-family Residential - A building or group of buildings on one lot containing 3 or more dwelling units. Also includes all types of congregate housing and boarding houses, whether or not intended for medical or mental health purposes, substance abuse treatment, or other social welfare or public health reasons.
- g. Staging, storage or parking areas for vehicles, equipment, or materials, whether temporary or permanent, that are established as the result of a Land Use Activity that falls within the jurisdiction of the Site Plan Review Law.
- h. Waste disposal and Waste storage, processing, or bulk transfer areas.
- i. Wind Energy Facilities greater than 80 feet in height.
- j. Mixed Uses of any size, involving a combination of two or more of the uses listed in this section on a single Site.
- k. Any Development activity involving the handling, storage, placement, or transfer of hazardous substances or Hazardous Materials.
- l. Concentrated Animal Feeding Operations (CAFOs), as such terms are used and defined in New York State Law, including in the Environmental Conservation Law and the Agriculture and Markets Law, and the regulations of the Department of Agriculture and Markets and Department of Environmental Conservation. In addition, CAFOs that are subject to the New York State Department of Environmental Conservation (DEC) CAFO General Permit shall: (i) submit copies of their Notice of Intent, Annual Nutrient Management Plan for large CAFOs or their Comprehensive Nutrient Management Plan Certificate for small and medium sized CAFOs (ii) submit copies of their permit application and permit to the Town Clerk's Office so that the permit information is available for inspection by the public; and (iii) provide any updates regarding changes in the DEC permit or permit status to the Town Clerk's Office.
- m. Any proposed Land Use Activities that negatively affect important Agricultural Resources as defined in § 2.040(d) of this Law.
- n. Any modification of any existing Site or facility on the above list for which no previous Site Plan review and approval had occurred.
- o. In any of the above use categories, any: (i) expansion of existing buildings or structures which involves an increase in the Gross Floor Area of an existing building or structure by more than 10 % in the aggregate since any previous Site Plan approval; (ii) expansion of outdoor inventories that includes new products or materials or that increase gross storage area volumes by more than 10% in the aggregate since any previous Site Plan approval; or (iii) any new outdoor Land Use Activity that was not previously subject to Site Plan review or that was not issued any Site Plan approval.

Article III - Review Criteria

3.010 Site Plan Considerations

The review criteria are intended to provide for orderly development within the Town and to provide for the development and coordination of adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of the Town and its residents, guests, and visitors. The Review Board's review of the Site Plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, design and general Site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement with vehicular and non-vehicular traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian safety and convenience.
5. Adequacy of stormwater and drainage facilities.
6. Adequacy of water supply and sewage and Waste disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones.
9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
10. Overall impact on the neighborhood.
11. Site restoration for any Land Use Activities that are proposed to be temporary or short-term in duration.
12. Impacts on Agricultural Resources.
13. Any proposed Land Use Activity that impacts a Unique Natural Area.
14. Any proposed Land Use Activity that impacts a Critical Environmental Area.
15. That Land Use Activities are consistent with the Town's Comprehensive Plan.

3.020 Specific Standards and Considerations

The following specific standards shall apply in conjunction with the subject uses or in the designated areas.

- a. Water Quality - The following standards are intended to ensure that the quality of water in the Town is not unreasonably adversely affected as a result of new Development. Water quality is also addressed in these regulations, in part, through sections dealing with erosion and sediment control and stormwater runoff.
 - I. All proposed Development shall comply with the Tompkins County Sanitary Code, the New York State Environmental Conservation Law, the New York State Public Health Law, and the regulations promulgated thereunder at 6 NYCRR and 10 NYCRR respectively, with regard to the design, construction and maintenance of sewerage systems. Plans shall be reviewed by the Tompkins County Department of Health. All Department of Health plan approvals are required prior to issuance of any permits.
 - II. The potential impact on water quality of the proposed Land Use Activities shall be identified and mitigation measures proposed. Examples of Land Use Activities that may raise concerns are: large parking or loading areas without any method of containing oil and sediment deposited on All Weather Surfaces; storage of petroleum products, hazardous waste, or chemicals on the Site; and the use of fertilizers, pesticides, or other chemicals on large expanses of land or near wells, streams, or drainage ditches. To ensure the long-term water

quality in the Town, appropriate management, response and maintenance plans shall be developed, including the construction and maintenance of permanent practices. The Town may require Performance Guaranties to ensure the proper construction, management, and monitoring of such permanent practices or other mitigation measures. Final Development approval shall be subject to the actual receipt of all required permits from local, state, and federal regulatory agencies, and the fulfillment and satisfactory completion of permit conditions or requirements. However, where the subject permit may take a significant length of time to obtain a conditional approval may be issued: however, the failure to actually later obtain such permit makes such conditional approval revocable and, once so revoked, the application process shall be deemed to have been concluded, all Development, Disturbances, and Site Development activities shall cease and the Applicant shall be required to re-apply for review should the Applicant desire that its proposed use or project be permitted within the Town.

III. Wetlands are a natural filter for water, removing sediments and pollutants. Wetlands and potential Wetland areas within any Site shall be identified. Any proposed Disturbance of a Wetland, either during or after construction, shall be mitigated and any required permits obtained and provided to the Town.

IV. The following construction methods are recommended to protect water quality:

- i. Avoid construction on Hydric Soils, where possible and feasible.
- ii. Avoid Impervious Surfaces in favor of pervious surfaces, where possible and feasible.
- iii. Where appropriate, use bioengineering techniques rather than traditional construction methods to manage water on-site.
- iv. Avoid crossing streams and ditches with roads and driveways where possible and feasible.
- v. Establish buffers along streams and other watercourses where possible and feasible.

b. Water Supply - The proposed Development shall have a supply of water adequate for the proposed uses without unreasonably adversely affecting the availability of groundwater for other properties. Groundwater is the principal source of drinking water in the Town. In addition, groundwater often serves as the sole supply of water to surface water systems. The following standards are intended to ensure that the supply of water is adequate for the proposed Development and will not unreasonably interfere with existing users of the same supply of water, including groundwater and surface waters:

- I. A source of water for the proposed Development shall be identified.
- II. All proposed Development shall comply with the latest editions of Recommended Standards for Water Works, (Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers) and Rural Water Supply, (New York State Department of Health).
- III. When the proposed source of water for the Development is groundwater, the Review Board may require the developer to undertake well and pump tests to determine the adequacy of the supply of groundwater to serve the Development.
- IV. When the proposed source of water for a Development is groundwater and the amount of water proposed to be used, drawn, or sequestered exceeds 3,000 gallons upon any one day, or 200,000 gallons in any year, the Review Board may require the Applicant or developer to undertake studies of such water impacts, including hydro-geological studies to determine the impact of the proposed withdrawal of groundwater on surface waters, surface water flows, aquifers, aquifer capacity and recharge rates, and existing users of the same supply of water.
- V. Wetlands are often a natural recharge area for groundwater resources. Wetlands within the area of the proposed Development shall be identified. Any proposed Disturbance of a

Wetland, either during or after construction, shall be mitigated and any required permits obtained and provided to the Town.

- VI. In determining the need for studies or additional information from the Applicant or developer, the Review Board shall be guided by the history, if any, of ground water supply problems at the Site and in the vicinity of the proposed Development and by any available groundwater or aquifer studies.
- c. Erosion and Sediment Control - The proposed Development shall not result in unreasonable soil erosion, either during construction or after the project is completed, and shall comply with Town of Caroline Local Law #2 of 2007, Stormwater Management and Erosion and Sediment Control.
- d. Stormwater Runoff - The proposed Development shall not result in any increased stormwater runoff and shall comply with Town of Caroline Local Law # 2 of 2007, Stormwater Management and Erosion and Sediment Control.
- e. Transportation - The Site Plan shall provide for safe pedestrian, bicycle, emergency service vehicles, and motorized traffic. The following standards are intended to ensure that transportation services for pedestrians, bicycles, emergency service vehicles, and motorized traffic are safe, efficient, and designed for proper future maintenance. In order to achieve these goals, the Review Board may require the developer to prepare and implement a transportation plan.
 - I. Any highways to be dedicated to the Town shall meet the Town Highway Specifications and the provisions of Local Law No. 2 of the year 1996 (local road classification) except where the provisions of such local law shall conflict with the provisions herein, in which case the provisions herein shall govern.
 - II. For road sections to be dedicated to the Town (whether by title in fee or by easement), highways and highway appurtenances (such as, but not limited to culverts) shall be constructed to serve the anticipated traffic and protect the roadway without requiring resurfacing or repair for a period of not less than twenty (20) years.
 - III. The highway system shall be designed with due regard to the need for:
 - i. Convenient traffic access and circulation,
 - ii. Traffic control and safety,
 - iii. Safe movement of emergency service vehicles on road system and within driveways,
 - iv. Adequate sight distances at all intersections, and along and over all curves and hills, and
 - v. Stormwater management.
 - IV. Highways shall be designed to promote a coordinated highway system. When a proposed Development adjoins undeveloped land, its streets shall be laid out so as to promote suitable future street connections with the adjoining land where appropriate.
 - V. In areas served by the local public transportation system, the Development shall be designed to provide for the efficient and safe operation of such services. The Review Board may require that local public transportation provider(s) have an opportunity to review and comment upon any Development and its related plans.

- f. Public Services - All appropriate public service providers shall be provided information regarding the proposed Development. The Applicant shall provide a narrative describing how the following public service providers have been notified in writing of the proposed Development and shall provide to the Review Board copies of all written responses:
- I. Fire Protection and Emergency Medical Services - The appropriate fire department and emergency ambulance service provider should be provided plans.
 - II. Street Lighting - The lighting district commissioner, currently the Town Board, should be provided lighting plans.
 - III. School Services - Site Plan applications should be provided to the appropriate school district.
 - IV. Public Transportation - Public transportation providers shall be provided with the Development Plan.
- g. Utility Services - All appropriate utility service providers shall have an opportunity to review the proposed Development, shall provide a narrative describing how the following utility service providers have been notified in writing of the proposed Development, and shall provide to the Review Board copies of all written responses:
- I. Electricity - The appropriate utility company should be provided plans.
 - II. Gas - The appropriate utility company should be provided plans.
 - III. Telecommunications - The appropriate telephone, cable and internet provider company should be provided plans.
- Further, all Developments and Land Use Activity proposals shall take into account the potential future need and impact upon neighboring properties relative to future utility extensions, line and service capacities, and the size and location of any service easements or installations.
- h. Flood Hazard Prevention - The proposed Development shall not create new or increase existing flooding hazards in flood hazard zones. In order to prevent inundation by flood waters, when a Development is within or adjacent to a Special Flood Hazard Area, all Development (including filling, paving, and storage of equipment and materials) shall be in compliance with the Local Law No. 2 of 2007, Stormwater Management and Erosion and Sediment Control.
- i. Agriculture - The proposed Development shall minimize impacts on existing Agricultural Operations, Agricultural Districts, or Agricultural Resources, and the following matters shall be considered:
- I. When Land Use Activities subject to Site Plan review are located in or within 500 feet of an Agricultural District the Applicant or developer shall complete and submit an Agricultural Data Statement and address the impact the Development will have upon agriculture and Agricultural Operations (such as light, sound, smell, dust, etc.), as well as the impacts Agricultural Operations may or will have on the proposed Development. Upon filing an application, the Applicant shall mail written notice to the owners of land identified in the Agricultural Data Statement and provide proof of mailing of the same to the Review Board. Such notice shall include a description of the Development and its location, and such notice may be sent in conjunction with any other notice(s) required by this local law. The cost of mailing said notice shall be borne by the Applicant or developer.
 - II. The Development shall comply with the requirements of Local Law No. 1 of the year 1999 known as the Right To Farm Law.
 - III. When required by law, a Notice of Intent or other impact statement shall be delivered to NYSDAM in accord with the Agriculture and Markets Law.
- j. Air Quality - Development plans shall comply with air quality standards set forth by the NYS Department of Environmental Conservation and US Environmental Protection Agency thresholds for air emissions.

k. Sound -

- I. Structures shall be located, constructed, and insulated to mitigate on-site noise from interfering with the use of adjacent properties.
- II. Methods for blocking noise shall be used where appropriate and may include sound baffles, soundproofing, fencing, walls, and natural buffers, such as berms and landscape planting with deciduous and coniferous trees and large shrubs.

l. Lighting -

- I. Exterior lighting shall enhance the building design and the adjoining landscape.
- II. The number of Luminaires and the intensity of lighting shall be appropriate to illuminate the location for safety, without Glare to adjoining properties and streets. Luminaires shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. The light level at the lot line shall not exceed 0.2 footcandles, measured at ground level. Glare shall be controlled as follows:
 - i. Any Luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot Luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the Luminaire.
 - ii. Any Luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot Luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3' + (D/3)$, where D is the distance in feet to the nearest property boundary. The height of the Luminaire shall not exceed 25 feet in any case.
 - iii. Wherever practical, Luminaires shall provide for Glare-free, downward directed, and shielded lighting as promotes the "Dark Sky" standards of the International Dark-Sky Association ("IDA"), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet #172 and the IDA "Outdoor Lighting Code Handbook."
- III. Excessive lighting for promotional/visibility purposes shall be discouraged. The operation of searchlights for advertising purposes is prohibited.
- IV. All lighting (except for security purposes) shall be turned off between 11:00 p.m. and 6:00 a.m. Exceptions will be granted on a case-by-case basis for those facilities which are operating or have a demonstrated need of lighting during these hours.

Appendix A - Design Guidelines

A-1 General Principles

The design of any Development should be appropriate to the Site's physical, natural, agricultural, historic, and cultural features and resources. It is the intent of this section to provide guidelines for the design of Sites, not specific rules for Developments.

A-2 Guidelines

In reviewing a proposed Site Plan, the Review Board shall consider the answers to the questions listed below. The Review Board may visit the Site of the proposed Development to consider alternative designs that may better address the following guidelines. The guidelines are presented in the form of questions to reflect the fact that they are intended to guide a discussion by the Review Board on the design of a proposed Development, not to provide a boilerplate standard for development design. It is anticipated that most Developments will be able to comply, to some degree, with these guidelines. It is also anticipated that the Review Board may be required to balance the degree to which the guidelines are met to find an optimum practical design, not a perfect design.

- a. Does the design comply with all existing local laws?
- b. Is the proposed Development consistent with the Town's Comprehensive Plan?
- c. Will the proposed Development protect all Floodplains, Wetlands, and Steep Slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities)?
- d. Will the proposed Development preserve and maintain mature woodlands, existing fields, pastures, and meadows and create sufficient buffer areas to minimize conflicts between the Development Site and other uses, such as Residential and agricultural uses?
- e. If Development is located on open fields or pastures because of greater constraints in all other parts of the Site, will dwellings be sited on the least prime agricultural soils, or in locations on the far edge of a field, as seen from existing public roads?
- f. Will a vegetative buffer be maintained adjacent to Wetlands and surface waters, including creeks, streams, springs, lakes and ponds? If not, will such a vegetative buffer of native species be created?
- g. Does the design of the Development incorporate existing hedgerows and tree lines between fields or meadows, and minimize impacts on large woodlands (greater than five acres), especially those containing many mature trees or significant wildlife habitat?
- h. Does the design leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roads? Does the design avoid siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features?
- i. Does the design incorporate and preserve sites of historic, archeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature? Such features may include stone walls, spring houses, barn foundations, earthworks, and burial grounds.
- j. Does the proposed Development affect a Unique Natural Area as identified by the Tompkins County Environmental Management Council or a Critical Environmental Area? Can this be avoided? If not, will the impact be mitigated?
- k. Will the proposed Development protect rural roadside character and improve public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads?
- l. Is the architectural design and details of proposed buildings or structures compatible with the character of the surrounding area?
- m. has the design considered the environmental and health impacts of building materials (including transportation, embedded energy, and pollutants during manufacture and curing), utilized best practices in generating a building envelope that will minimize heating and cooling costs, evaluated siting and orientation to enhance the thermal performance of dwellings in central New York, and maximized opportunities for siting renewable energy systems?