

Chapter 380. Zoning

Article VI. Site Plan Reviews

§ 380-28. Authority.

The Planning Board of the Village of Boonville is hereby authorized pursuant to Village Law § 7-725-a to review and approve, approve with modifications, or disapprove site plans within the Village of Boonville as designated in accordance with the standards and procedures set forth in this chapter.

§ 380-29. Applicability.

All nonresidential uses on any site or lot, all multifamily dwellings of over two families, and any use wholly or partially within a Wellhead Protection Overlay Zone which is required to comply with any additional requirements as outlined within Appendix A^[1] of this chapter shall be required to have a site plan approved by the Planning Board prior to the issuance of a zoning permit or a certificate of occupancy by the Code Enforcement Officer.

[1] *Editor's Note: Appendix A, Wellhead Protection Overlay, is included as an attachment to this chapter.*

§ 380-30. General review criteria.

The Planning Board shall require that all site plans comply with the following general review criteria:

- A. That the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
- B. That the site is designed so as to be in harmony with the Comprehensive Plan for the community;
- C. That parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
- D. That access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the Village street system;
- E. That the internal circulation of the site is arranged so as to minimize impacts on the Village street system;
- F. That the site is suitably landscaped, and appropriately screened from adjacent properties and the street so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
- G. That any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;

- H. That signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
- I. That any changes to existing drainage patterns, or increased drainage due to development activity, have no negative impacts on adjacent property;
- J. That proposed water supply and sewage disposal facilities are adequate and compatible with Village systems;
- K. That the site is designed so as to have no negative impacts on the Village water supply; and
- L. That development activity complies with all other standards and requirements of this chapter.

§ 380-31. Application.

- A. The Code Enforcement Officer shall refer any application for a zoning permit which requires a site plan review to the Planning Board. An application for a site plan review shall be filed with the Planning Board, and the appropriate fee as determined by the fee schedule adopted by Village Board resolution shall be paid to the Village Clerk. Ten copies of the application and site plans shall be provided, which shall include the following:
 - (1) Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
 - (2) Date, North point, written and graphic scale;
 - (3) Boundaries of the site plotted to scale, including distances, bearings, and areas;
 - (4) Locator map showing the site in relationship to the Village;
 - (5) Location and ownership of all adjacent lands as shown on the latest tax records;
 - (6) Location of all zone district boundaries;
 - (7) Location, name, and existing width of adjacent streets;
 - (8) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
 - (9) Complete outline of existing or proposed deed restrictions or covenants applying to the property;
 - (10) Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five-foot intervals;
 - (11) Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
 - (12) Location and design of all parking and loading areas, including access and egress drives and fire lanes and emergency access areas;
 - (13) Provision for pedestrian access, including public and private sidewalks;
 - (14) Location of outdoor storage;

- (15) Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
- (16) Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
- (17) Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
- (18) Location, size and design of all proposed signs;
- (19) Location and design of outdoor lighting facilities;
- (20) General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
- (21) Erosion and sediment control plan conforming to the standards and practices contained in the USDA Natural Resources Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Planning Board;
- (22) An agricultural data statement pursuant to Village Law § 7-739, when applicable;
- (23) If within a Wellhead Protection Overlay Zone, a map and a report showing the location of the premises for which the permit is sought and plans prepared by a licensed professional engineer or architect showing all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, hazardous substances and wastes, solid wastes, and incidental wastes.
- (24) If within a Wellhead Protection Overlay Zone, a complete list, including an estimate of the volume, in pounds dry weight and liquid gallons, of all petroleum, chemicals, pesticides, fuels, and other hazardous substances to be used, generated, stored, or disposed of on the premises.
- (25) If within a Wellhead Protection Overlay Zone, a description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion, and leakage. At a minimum, such measures shall include a description of appropriate design and operating standards as described in Appendix A of this chapter.^[1]

[1] *Editor's Note: Appendix A, Wellhead Protection Overlay, is included as an attachment to this chapter.*
- (26) If within a Wellhead Protection Overlay Zone, a description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers.
- (27) If within a Wellhead Protection Overlay Zone, a landscape plan that shows predevelopment areas of undisturbed, natural vegetation and proposed post-development areas of undisturbed, natural vegetation and fertilized vegetation.
- (28) If within a Wellhead Protection Overlay Zone, copies of any permits and applications made to any other governmental agencies.
- (29) A statement of the nature and extent of the interest of any state employee, or officer or employee of the Village in the application pursuant to General Municipal Law § 809, when applicable;
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- (30) An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;

(31) Other elements integral to the proposed development as considered necessary by the Planning Board.

§ 380-32. Waiver of submission requirements.

The Planning Board may waive any of the submission requirements listed in § 380-31 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

§ 380-33. Environmental impact review.

The Planning Board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The Planning Board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review regulations) in cooperation with other involved agencies in the review of any site plan.

§ 380-34. Review.

Upon a determination by the Planning Board that the application for a site plan review is complete, the Board shall review the site plan, taking into consideration the objectives for site plan review as outlined in § 380-30 above and the general standards for all uses as outlined in Article V of this chapter.

§ 380-35. Area variance.

During the course of the review, should the Planning Board determine that a site plan approval may not be feasible without the granting of an area variance as defined by Village Law § 7-712, the Planning Board may at any time refer the application and site plans to the Zoning Board of Appeals for the consideration of such variance.

§ 380-36. Public hearing.

The Planning Board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the Village. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

§ 380-37. Referral to County Planning Board.

At least 10 days before the hearing, the Planning Board shall refer all site plan review matters that fall within those areas specified under General Municipal Law § 239-m to the Oneida County Department of Planning. This includes any use that falls within 500 feet of the following: the boundary of the Village; a state or county park or recreation area; a state or county highway or expressway; a state- or county-owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. Such referral shall be to the Oneida County Department of Planning for its recommendations thereon. If the Oneida County Department of Planning does not respond within 30 days from the time it received a full statement on the referral matter, then the Planning Board may act without such report.

§ 380-38. Referral to Municipal Commission of Boonville.

At least 10 days before the hearing, the Planning Board shall refer all site plan review matters for proposed uses located partially or wholly within a Wellhead Protection Overlay Zone to the Municipal Commission of Boonville for its advisory comment. If the Municipal Commission of Boonville does not respond within 30 days from the time it received a full statement on the referral matter, the Planning Board may act without such advisory comment.

§ 380-39. Waiver of public hearing.

The Planning Board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

- A. The use requires a special use permit pursuant to this chapter;
- B. The use is a Type I SEQR action, the use is determined by the Planning Board to have environmental significance, or the use is within the Water Protection Zone;
- C. The use is over 1,000 square feet of floor or ground area;
- D. The use is over 20 feet in height;
- E. The use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, streets, curbs, gutters, or other public improvements;
- F. The use is within 200 feet of a DEC-designated wetland area, within 200 feet of a stream with a DEC classification of C or higher, or in a FEMA-designated floodplain area;
- G. The use is determined by the Planning Board to be of a publicly controversial nature; or
- H. The applicant has requested a public hearing.

§ 380-40. Final action.

- A. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the Planning Board where such hearing has been waived pursuant to § 380-39 above, the Planning Board shall act on the site plans. The time within which the Planning Board must render its decision may be extended upon mutual consent of the applicant and the Planning Board. The action of the Planning Board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy mailed to the applicant.
- B. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the application and site plans.
- C. If the site plans are approved with modifications, the Planning Board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due the Village, and upon approval of the modified application and site plans, the Planning Board shall endorse its approval on a copy of the application and site plans.
- D. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the Planning Board may recommend further study of the application and resubmission after it has been revised or redesigned.

§ 380-41. Report to County Planning Board.

Within 30 days of final action on any matter referred to the County Planning Board pursuant to § 380-37 above, the Planning Board shall file a report of the final action it has taken with the County Planning Board.