

PROCEDURE FOR COMPLETING GARDINER PLANNING BOARD SITE PLAN APPLICATION

1. Complete all 4 pages of the application. (Type or print legibly). Have application notarized and return packet to the Town Hall along with a check (made payable to the Town of Gardiner) in the amount of \$300.00.
2. Complete Short Environmental Assessment Form. (Side 1 only). Return with the application to the Town Hall.
3. Address a plain #10 envelope self stamped envelope to each property owner within 500 feet of the property. List of neighboring land owners can be compiled with assistance from the Assessor's Office. The return address on each envelope should be just your name. The remainder of the return address will be the Town of Gardiner address and will be completed by the Clerk of the Planning Board.
4. For an application to be placed on the Planning Board agenda **all of the above** must be completed **no later than fourteen days prior to the meeting** for the month's Planning Board meeting. There are no exceptions.
5. The Planning requests technical review and analysis of the proposed site plan of their Planning Consultant and/or Engineer for the Town or other authorized persons. The applicant shall reimburse the Town for the professional fees required in accordance with said review(s).
6. If there are any further questions concerning these procedures, please refer to the Code of the Town of Gardiner § 220-64 Site Plan review (attached). Or call the Clerk of the Planning Board, Margarete Wagner at (845) 255-9675 ext. 108.

2. Describe the uses surrounding property owners make of their properties.

3. Will the proposed use increase traffic congestion?

If not, why?

4. Will off-street parking be provided for customers? _____

If so, how many spaces? _____ Size of each space: _____ ft. by
_____ ft.

Submit a diagram of the parking available on the site, indicated entry and exit from the public streets.

5. List any churches, public buildings, playgrounds and recreation facilities which are located within 500 ft. of the exterior property lines of the property on which the proposed use is to be located.

6. How many persons will be employed by the use?

Full-time _____ Part-time _____

7. State the maximum number of customers, clients, patients or patrons expected to be on the premises at any one time. _____

8. State the size of the lot on which the use is to be located both in square footage and dimensions of front, side and rear lot lines.

Square footage: _____

Lot Lines: Front _____ ft. Side _____ ft. Rear _____ ft.

9. State the dimensions of the building or structures to be used. If more than one

Building No. _____ Building No. _____ Building No. _____

Size: _____ ft. x _____ ft. Size: _____ ft. x _____ ft. Size: _____ ft. x _____ ft.

10. How many square feet of usable space is in each building?

Building No. _____ Building No. _____ Building No. _____

Usable Sq. ft. _____ Usable Sq. ft. _____ Usable Sq. ft. _____

Sq. ft. to be devoted to proposed use: _____ Sq. ft. to be devoted to proposed use: _____ Sq. ft. to be devoted to proposed use: _____

11. State the distance of the building in which the use will be located from all front, rear and side property lines. If more than one building or structure is to be used, list each individually.

Submit a drawing diagramming this information.

Building No. _____

Distance from property lines:

Front: _____ ft. Rear: _____ ft. Side _____ ft. Side _____ ft.

Building No. _____

Distance from property lines:

Front: _____ ft. Rear: _____ ft. Side _____ ft. Side _____ ft.

Building No. _____

Distance from property lines:

Front: _____ ft. Rear: _____ ft. Side _____ ft. Side _____ ft.

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Fores/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

- E. Temporary certificate of occupancy. A temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding 18 months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- F. Records. The Building Inspector shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person.
- G. Violation; failure to obtain. Failure to obtain a certificate of occupancy shall be a violation of this chapter and punishable under § 220-65 of this chapter.
- H. Performance of work.
- (1) Cancellation for failure to commence. If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Inspector and written notice thereof shall be given to the persons affected.
 - (2) Completion; time limit. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
 - (3) Construction trailer. The use of a construction trailer, field office, or utility building shall be permitted under the conditions governing the terms of the building permit. Such structure or structures shall be removed from the premises upon expiration of the building permit or within 30 days of issuance of the certificate of occupancy.
 - (4) Renewal of permit. A building permit may be renewed for a period not to exceed one year for good cause shown.
- I. Restrictions on use. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by § 220-65 hereof.

§ 220-64. Site plan review.

- A. Grant of authority.
- (1) Pursuant to § 274-a of the Town Law, the Planning Board is authorized to review and approve, approve with modifications, or disapprove site plans with such regulations as it or the Town Board may from time to time adopt. The Board may waive, subject to specification of alternate conditions, any preestablished requirements for approvals, as well as any elements to be shown on said plans.

- (2) The Board may attach conditions to its approval of site plans, which conditions must be met in connection with issuance of permits by the Building Inspector.
- B. Site development plan specifications. The information to be submitted, and which in total constitutes a site development plan, includes the following:
- (1) An area map at a convenient scale, which shall include railroads, streams, street rights-of-way, and street intersections; the location of the nearest public roads on all four sides; all public improvements such as schools, firehouses, houses of worship, recreational areas, etc.
 - (2) A map prepared by a person authorized under New York State Education Law of applicant's entire holding at a convenient scale, and all surrounding properties.
 - (3) The names of all owners of record of adjacent property.
 - (4) Existing school, zoning and special district boundaries within 500 feet of the tract.
 - (5) Boundaries of the property and existing lot lines as shown on the existing tax map.
 - (6) Existing public streets, easements, or other reservations of land.
 - (7) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
 - (8) Location of all existing structures on the site, as well as those on adjacent properties within 100 feet of subject lot line.
 - (9) The proposed location and use of any building or structure.
 - (10) The proposed location of any use not requiring a structure, including walkways, benches, fences and recreational facilities.
 - (11) Plans and elevations of all proposed buildings or structures or accessory structures, including all proposed outdoor signs.
 - (12) All existing and proposed means of vehicular access and egress to and from the site.
 - (13) Location and design of all driveways, parking and loading areas.
 - (14) Location of all existing and proposed water lines, valves, and hydrants, all sewer lines and public utilities.
 - (15) Proposed stormwater drainage system.
 - (16) Proposed fencing, screening, and landscaping.
 - (17) Proposed location, direction, and type of outdoor lighting.
 - (18) Existing and proposed contours, with intervals of five feet or less extending 50 feet beyond the tract.

- (3) The reasonable screening, at all seasons of the year, of all playgrounds, parking, and service areas from the view of adjacent residential properties and streets.
- (4) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
- (5) Conformance of the proposed site development plan with the Comprehensive Plan of the Town of Gardiner.

§ 220-65. Violations and penalties.

- A. Authority to abate. In case any building or structure is created, installed, erected, constructed, reconstructed, altered, converted, located or maintained, or any building, structure, land or premises is used in violation of this chapter or any regulation or requirement made pursuant thereto, or under authority conferred thereby, in addition to other lawful remedies, the Town Board or, with its approval, the Building Inspector, may, pursuant to § 268 of the Town Law, institute any appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, repair, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such buildings, land or premises or to prevent any illegal act, conduct, business or use in or about such premises.
- B. Discovery of violations. The Building Inspector shall determine the existence of violations of the provisions of this chapter through such investigations as he or she shall conduct pursuant to the issuance of building permits and certificates of occupancy and through the prompt investigation of such written complaints as are filed with him or her by persons having reason to believe that such violations exist. The Building Inspector shall also determine the existence of such violations by means of investigations conducted on his or her own initiative.
- C. Procedure for abatement of violations.
 - (1) Notice of violation. Upon finding of violations of the provisions of this chapter, the Building Inspector shall serve written notice, either by personal service or certified mail, addressed to the premises of such violation, on the person committing or permitting such violation or on the owner of the property. Such notice shall specify the nature of such violations as exist and specify a reasonable time limit, of not less than five days, in which compliance shall be achieved.
 - (2) Legal action. The Building Inspector shall, upon failure of the responsible party to comply with a violation order within the specified time, institute any criminal or civil procedure to enforce this chapter as he or she deems appropriate.
- D. Penalty on violation.
 - (1) Any person or corporation whether as owner, lessee, architect or builder or the agent or employee of any of them who violates or is accessory to the violation of any provision of this chapter or any regulation made under the authority conferred by this chapter or who shall create, erect, construct, alter, install, convert or move any building or structure without a building permit or in violation of any statement

or plans submitted and approved under the provisions of this chapter, or who shall use any building, structure or land in violation of this chapter or in violation of the provisions of any building permit or certificate of occupancy or without a building permit or certificate of occupancy where one is required by this chapter shall be liable to a fine not exceeding \$350 or imprisonment not exceeding 15 days, or both, for a conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment not to exceed 15 days, or both. Each week the violation shall continue shall be deemed a separate additional violation. Town Law § 268 to the extent that it is inconsistent herewith is hereby superseded.

- (2) In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town of Gardiner in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- E. Parties that may be held liable. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- F. Other procedures. Nothing herein contained shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation.

ARTICLE X Nonconformities

§ 220-66. Intent; restrictions.

- A. Intent. Within the districts established by this chapter or amendments that may later be adopted there may exist lots, structures, uses of land and structures, or characteristics of use which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed.
- B. Restrictions on expansion. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided herein.
- C. Additional restrictions.
- (1) Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in

- (19) Location of existing watercourses, wooded areas, rock outcrops, and single trees with a diameter of 12 inches or more measured four feet above the ground level.
- (20) Where the applicant wishes to develop the project in stages, a site plan indicating ultimate development shall be presented for approval of the entire parcel.
- (21) The Planning Board may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.

C. Environmental considerations.

- (1) The Planning Board shall determine whether a proposed industrial, commercial, or multifamily residential project will have a significant effect on the environment (a positive declaration) or not (a negative declaration). Within 15 days of receiving a sufficient completed environmental assessment form (EAF, either short or long form, whichever is deemed necessary by the Planning Board — see SEQR Regulations, § 617.6) the Planning Board will determine whether or not an environmental impact statement (EIS) is required. The applicant shall prepare such EIS but, if applicant declines, the Planning Board may arrange for preparation of the EIS at applicant's expense and will distribute said EIS to all interested parties.
- (2) The draft EIS will be open to public comment in writing for a period to be determined by the Planning Board but not less than 30 days.
- (3) After receiving the draft EIS, the Planning Board will decide whether public hearings on the EIS are necessary [see SEQR Regulations § 617.9(a)(4)]. If so, the Planning Board will set the hearing date and publish notice of the hearing in a newspaper of general circulation at least 14 days in advance of the hearing and no more than 60 days after receiving the draft EIS. The Planning Board will prepare or cause to be prepared a final EIS within 45 days after the close of public hearing on the draft EIS or 60 days after receiving the draft EIS, whichever is later. The final EIS may be submitted later than this limit if good cause can be shown [see SEQR Regulation § 617.9(a)(5)(ii)]. The Planning Board will provide 10 days for public comment on the final EIS. Within 30 days after filing of a final EIS, the Planning Board will either approve the application with or without conditions or will disapprove it and notify the Building Inspector, the applicant, and the public.

D. Standards to be considered. In reviewing the site development plan, the Planning Board shall take into consideration the public health, safety, and general welfare, and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular. The Planning Board shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, particularly with regard to achieving:

- (1) Maximum safety of vehicular and pedestrian traffic access and egress and ability of existing roads to handle traffic generated by the project.
- (2) An attractive site layout which would have no adverse effect upon any properties in adjoining districts by impairing the established character of the potential use of properties in such districts.