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**DEPARTMENT OF STATE**  
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ANDREW M. CUOMO  
GOVERNOR  
CESAR A. PERALES  
SECRETARY OF STATE

July 1, 2015

Ann Marie Palen  
Cheney & Blair LLP  
3895 Fennell street  
Skaneateles NY 13152

**RE: Town of Tyre, Local Law 2 2015, filed on June 30, 2015**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one)

of Tyre \_\_\_\_\_

Local Law No. 2 of the year 20 15

A local law SITE PLAN REVIEW  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the TOWN BOARD of the \_\_\_\_\_  
(Name of Legislative Body)

County  City  Town  Village  
(Select one)

of TYRE \_\_\_\_\_ as follows:

SEE ATTACHED LOCAL LAW

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the (County)(City)(Town)(Village) of TYRE was duly passed by the TOWN BOARD on JUNE 18 2015, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Elizabeth Sutterby*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/18/15

(Seal)

# LOCAL LAW #2 of 2015: SITE PLAN REVIEW

## Article 1. General Provisions.

### A. Title

These regulations shall be known as the "TOWN OF TYRE SITE PLAN REVIEW REGULATIONS."

### B. Intent and Purpose

The purposes of these regulations are to maintain the rural, natural, and scenic qualities of the Town of Tyre by preserving farmland and significant open Lands while allowing landowners a reasonable return on their holdings. Through site plan review, it is the intent of these regulations to promote the health, safety and general welfare of the town. A clean wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. Toward this end, the Town of Tyre Comprehensive Plan establishes the goals of future development of the town. It is further the intent of these regulations to ensure the optimum overall conservation protection, preservation, development and use of the natural and man-related resources of the town through review and approval of site plans. These regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, drainage and minimize the potential impact on neighboring properties.

### C. Planning Board Authority to Review Site Plans

The Planning board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in these regulations, and pursuant to the authority for such review that is contained in Town Law §274-a, as that law may be hereafter amended from time to time.

### D. Adoption by the Town Board

In order that site plans may be made in accordance with this policy, these regulations which shall be known as the "TOWN OF TYRE SITE PLAN REVIEW REGULATIONS" have been recommended by the Planning Board on the 16<sup>th</sup> day of April, 2015, and adopted by the Town, Board on the 18th day of June, 2015.

## Article 2. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

### **CONTRACTOR**

A person acting for a Developer to construct the required improvements of a project. The Contractor is responsible to perform work in conformance with the approved plans subject to a review by Town officials.

### **COMPREHENSIVE PLAN**

A development plan approved by the Town Board pursuant to §272-a of the Town Law which indicates the general locations recommended for various functional classes of public work, places and structures, and for general physical development of the Town, and includes an unit or part of

such plans separately prepared and any amendment to such plan or parts thereof.

**DEDICATION**

The deliberate appropriation of land by its Owner for any general and public uses, reserving to the Owner no other rights than such as are compatible with the full exercise of the public uses to which the land has been devoted.

**DEVELOPER**

A person holding the right to a parcel of land to be developed or subdivided. Commitments and/or requirements for development are solely between the Town and the Developer.

**DRIVEWAY**

An open space, located on a lot, built for access to a garage, off-street parking or loading space.

**EASEMENT**

Authorization by a property owner for the use of any designated part of the property for a specified purpose by another person, Town, municipality or public utility district for any public purpose.

**IMPROVEMENTS**

Physical additions and changes to the land that may be necessary to produce usable and buildable land areas.

**INSPECTOR/OBSERVER**

An agent of the Town empowered to observe the construction progress of the project and its compliance with the approved plans.

**LOT**

Land occupied or capable of being occupied by a Building and its accessory Buildings, together with such open spaces as are required, created in compliance with Town ordinances and local laws, having not less than the minimum area, width, depth and all other requirements for the zoning district in which said land is located, as set forth in the Zoning Law, and in compliance with all other applicable laws, rules and regulations.

**OFFICIAL MAP**

The map established by the Town Board under §270 of the Town Law or maps contained in the Town's Comprehensive Plan showing the streets, highways, and parks heretofore laid out, adopted, and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of planned unit developments and subdivision plats by the Planning Board and the subsequent filing of such approved plats.

**OFFICIAL SUBMISSION DATE**

The date when a site plan plat shall be considered submitted to the Planning Board as provided in §276 of the Town Law and is hereby defined to be the date of a meeting of the Planning Board at which all required surveys, plans, and data described in Article 7 are submitted and deemed complete by the Planning Board.

**PERFORMANCE BOND OR GUARANTY**

Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

**PLANNING BOARD**

The Town of Tyre Planning Board as established pursuant to the provisions of Article 16 of the Town Law.

**PLAT**

The drawing or drawings indicating the proposed manner or layout of the site plan to be submitted to the Planning Board for its consideration and meeting the requirements of Article 7.

**ROAD**

The same as STREET.

**SCREENING**

A means to minimize the negative impacts such as but not limited to sight, noise, or light to or from adjoining or nearby properties through the use of physical or landscape barriers.

**SITE PLAN**

The preliminary drawing or drawings indicating the proposed manner or layout of the site plan to be submitted to the Planning Board for its consideration and meeting the requirements of Article 7. Planned Unit Developments approved by the Town Board shall not be included in this definition nor subject to these regulations.

**SITE PLAN PERMIT**

The certificate issued by the Town of Tyre verifying that the applicant has met the requirements and conditions set forth by the town for a site plan development.

**SKETCH PLAN**

A representational drawing of a proposed site plan showing the information specified in Article 6 of these regulations to enable the developer to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations. Planned Unit Developments approved by the Town Board shall not be included in this definition nor subject to these regulations.

**SEQR**

State Environmental Quality Review – part of the Environmental Conservation Law applicable to land development per 6 NYCRR Part 617.

**STREET**

A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

**STRUCTURE**

Anything constructed or built, any building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming and wading pools, covered patios, towers, smokestacks, and poles, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas, retaining walls, and fences.

**TOWN ENGINEER**

A licensed professional engineer retained by the Town on a consulting or full-time basis.

## **ZONING LAW**

Zoning Law of the Town of Tyre, dated July 18, 1991, as amended.

### **Article 3. Approval required for building permit.**

No building permit for new or additional construction shall be issued for any lot and no construction activity in the nature of lot improvement shall be commenced on property located within the Commercial District; on property located within the Industrial District; on any property located within the Agricultural District for non-agricultural use or multi-home development; on any property located within any zoning district for an application for a special use permit pursuant to Town Zoning Law, as amended; or on any property located within any zoning district within the Town if the new or additional construction or construction activity in the nature of site improvement is intended to result in a commercial or industrial use without the prior written approval of the Planning Board pursuant to the procedures hereinafter set forth, and any additional rules and regulations relating thereto promulgated by the Planning Board, and approved by the Town Board and pursuant to the authority for such review that is contained in Town Law §274-a, effective March 1, 2015, or as that law may be hereafter amended from time to time. These regulations shall not apply to Planned Unit Developments approved by the Town Board.

### **Article 4. Site plan review for subdivisions.**

Plats showing lots which are subject to review pursuant to authority provided for the review of subdivisions under §276 of the Town Law shall continue to be subject to such review and shall further be subject to review as site plans under this local law.

### **Article 5. Application.**

Application for the site plan approval shall be made by the owner(s) of the premises or by a person or firm designated in writing by the owner(s) to make such application as agent or attorney at law, and any such designation by said owner(s) shall be deemed binding upon the owner(s) of the premises for all proceedings thereafter. All notices required to be served upon the applicant shall be deemed served upon the owner(s) if duly served upon the authorized agent or attorney at law for the owner(s).

### **Article 6. Pre-application process.**

Prior to submission of an application for site plan approval, the owner(s), or the owner(s)'s agent or attorney at law, shall meet with the Planning Board in a pre-application process, the purpose of which is to detail, in preliminary form, the proposed construction project, and so that all of the requirements of this procedure will be fully understood by all parties. The intent of such meeting is to enable the applicant to inform the Planning Board of the applicant's proposal prior to the preparation of a detailed site plan and for the Planning Board to review the basic site design concept, and to advise the applicant as to the potential problems and concerns, including compliance with the town's Comprehensive Plan; and to generally determine the information to be required on the site plan. At the pre-application conference the applicant shall provide:

- A. A narrative statement outlining the project, together with a sketch plan, showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), lighting structures or features, existing and proposed vegetation and other planned features, anticipated changes in the existing topography and natural features, including all existing watercourses and, where applicable, measures and features to comply with flood hazard and flood



insurance regulations. The sketch or map will clearly show the location of the site with respect to nearby streets, rights-of-way, properties, easements, all adjacent landowners and other pertinent features.

- B. A topographic or contour map of adequate scale and detail to show site topography with at least five-foot intervals. The applicant shall submit an application for site plan approval within 60 days from the preliminary meeting, unless the date is extended by the Planning Board at its sole discretion.

## **Article 7. Application form.**

- A. The application shall be in writing on forms available at the Town Clerk Office and shall be accompanied by necessary New York State Environmental Quality Review Act ("SEQR") forms which may be applicable to the proposed application, together with an Agricultural Data Statement, and shall be complete as to all items not specifically waived by the Planning Board, as determined by the Planning Board.
- B. The following information shall be required of the applicant in sufficient detail so as to adequately inform the Planning Board and members of the public concerning those items specified:
  - (1) Legal data.
    - (a) The name and address of the applicant and, if the applicant is not the owner(s) of the property, a notarized authorization signed by the owner(s) of the property designating the applicant as agent or attorney at law.
    - (b) The name and address of the owner(s) of record if different from the applicant.
    - (c) A statement setting forth the date upon which the owner(s) received title to the property, including a copy of the conveyance, if by deed or, if by inheritance or other form of transfer, a statement setting forth that fact and any pertinent details relating thereto, including a copy of the document of transfer.
    - (d) The name and address of the person or firm preparing the plan and the map, including the professional qualifications of those individuals or firms.
    - (e) A statement setting forth the terms of any sale agreement of the property and who will be the purchaser thereof, including therewith a copy of any sale or option agreement.
    - (f) A statement setting forth the current zoning classification of the property, including the exact zoning boundary, if the parcel is located in more than one district.
    - (g) A survey map setting forth the property boundary lines plotted to scale showing distances, angles and areas, including thereon a North arrow and a scale and date of preparation. The survey map shall show all existing structures and natural features that may affect or be affected by the construction project and shall show the location of all planned structures and feature changes. Particular attention shall be made to all current watercourses. The survey shall also reflect all adjoining property owners.

- (h) The names and addresses of all adjoining property owners, including municipal property owners, such as municipal or state property owners.
  - (i) The locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to the public use and adjoining properties.
  - (j) A legal description of the property as conveyed to the current owner(s), including any and all deed restrictions or covenants applying to the property currently or intended to be applied to the property upon subsequent conveyance if the site plan is approved.
  - (k) A statement setting forth all regulatory permits that will be required and the time within which said permits must be obtained, including copies of all applications if already submitted or statements setting forth that copies will be provided upon submission to the appropriate state, county or other authority.
  - (l) A statement setting forth whether or not the proposed project meets all current zoning and building regulations of the Town of Tyre and, if not, what variances or special permits must be applied for and the current status of such application.
- (2) Impact and justification on proposed environs.
- (a) A statement setting forth how the project meets the intent and goals of the Town of Tyre Comprehensive Plan.
  - (b) A statement setting forth whether or not the proposed project is a Type I, Type II or Unlisted action as defined by SEQR regulations via 6 NYCRR 617, and following, as amended from time to time. In said statement, reasons must be set forth as to why the applicant believes that the action falls into the category specified. This requirement shall not be waived by the Planning Board.
  - (c) A statement setting forth the relationship of the project to adjacent and nearby land uses both public and private.
  - (d) A statement setting forth the relationship of the proposed project to the existing traffic patterns and its impact, if any, on existing traffic patterns.
  - (e) A statement setting forth the ability of the community to provide adequate recreation, education and fire-protection.
  - (f) A statement setting forth the visual compatibility of the project with its natural and man-made surroundings and, if required by the Planning Board in the preliminary conference, an artist's rendering of the project on the site or, in the alternative, a photograph showing the project transposed on the site or a computerized rendering of the project on the site.
  - (g) The predicted effect on air and water quality standards applicable to the development plans.
  - (h) A statement setting forth the maximum water usage and sewage usage of the project as certified to by a licensed professional engineer.

- (i) Promotion of energy and water conservation and management by the project.
- (3) Natural features.
- (a) Geologic features, such as depth to bedrock and the location of outcrops and any other geological features which would have an effect upon the construction of the project.
  - (b) Topographic features, including a map showing existing contour intervals of no more than five feet or two-foot contour intervals if requested by the Planning Board based upon assessment that the topography is relatively flat or requires more detailed definition.
  - (c) Vegetative cover, including existing wooded areas, significant isolated trees and similar features and a statement setting forth the impact on existing vegetative cover.
  - (d) Soil characteristics, such as load-bearing capacity and drainage capacity.
  - (e) Hydrologic features, including an engineer's statement as to drainage and runoff patterns, flood hazard areas, wetlands and depth to ground water.
- (4) Existing development and infrastructure.
- (a) The location and dimensions of all buildings and structures to be located on the site either to be built under the current building permit or planned in the future under a current development plan or plan of construction.
  - (b) The location and width of roads, accessways and paths adjacent to the site and within the site itself, including private roads and driveways, if any.
  - (c) The location, size and flow direction of sewer and water supply lines and culverts. Major electric, gas and telephone, lines and appurtenances should also be shown.
  - (d) The location of other existing development and uses on the site, including parking and loading areas, fences, trees and landscaping.
- (5) Proposed development.
- (a) A grading and drainage plan showing proposed topography at 5-foot or 2-foot intervals if requested by the Planning Board based upon assessment that the topography is relatively flat or requires more detailed definition. This information can be combined with a map of existing topography if it can be clearly depicted.
  - (b) The location, proposed use and height of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.
  - (c) The location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.
  - (d) The location and arrangement of site access, ingress and egress, including all paths for pedestrian, bicycle, and vehicular travel within the site. Information should include profiles and cross sections of roadways, paths and sidewalks showing grades, widths

and location and size of utility lines.

- (e) The location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
  - (f) The location, design and construction materials of all energy distribution facilities, including electric, gas, geothermal, wind and solar energy.
  - (g) The location, size and design of all outdoor lighting facilities and public address systems.
  - (h) The location size, design and construction materials of all outdoor signs.
  - (i) The general landscaping plan and planting schedule, including the treatment of buffer areas and the location and types of trees to be planted, including the introduction of chemicals to the site for purposes of pest control, foliage control or fertilization.
  - (j) Estimated project construction schedule with possible phasing plan for large projects.
  - (k) Additional specifications for materials.
  - (l) An estimated of the cost of construction of the project, and if the project is phased, a cost estimate for each phase.
- (6) Signatory block with applicable approving agencies, Planning Board Chairperson, Town Engineer, Highway Superintendent, Fire Chief, Public Health Department.
- C. Upon making an application for the site plan approval, the applicant shall pay the required fee as set from time to time by resolution of the Town Board, which fee shall be listed on a fee schedule available in the Town's offices.

## **Article 8. Review standards.**

Upon submission of an application deemed complete by the Planning Board, the Planning Board shall review the site plan for the following purposes, but it shall not be limited to the following and may consider any reasonable and appropriate impact(s) the construction on the site will have affecting the health, safety and general public welfare of the people of the Town of Tyre:

- A. Meets the intent of the Town of Tyre Comprehensive Plan
- B. Parking and means of access to the site.
- C. Screening
- D. Signs.
- E. Landscaping.
- F. Architectural features.

- G. Location and dimensions of buildings.
- H. Location, arrangement, size, design and general site compatibility of building, lighting and signs.
- I. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- J. Locations, arrangement, appearance and sufficiency of off-street parking and loading.
- K. Adequacy and arrangement of pedestrian and bicycle traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian and bicycle traffic convenience and safety.
- L. Adequacy of stormwater and drainage facilities.
- M. Adequacy of water supply and sewage disposal facilities.
- N. Adequacy of fire lanes and other emergency zones and the provision for fire hydrants and adequacy of water supply.
- O. Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to flooding and erosion during and after construction.
- P. Potential impact(s) on neighboring properties.
- Q. The qualifications with respect to meeting the requirements of the State Environmental Quality Review Act ("SEQR").
- R. Adjacent land uses and physical features, as well as any additional elements specified by the Town Board in the Town Zoning Law of the Town of Tyre.

## **Article 9. Request for waiver.**

In the event that there is a request for waiver of any specific item, a separate form shall be attached detailing the reason why a waiver is requested. The Planning Board may, at its sole unfettered discretion, approve or disapprove said waiver request upon having heard from the applicant or the applicant's representatives as to why the waiver requested is reasonable and appropriate under the particular circumstances.

## **Article 10. Review of application; public hearing; decision.**

- A. The site plan, together with the application form, and required SEQR forms, must be presented to the Planning Board at least 10 days prior to a scheduled Planning Board meeting to determine if the application is complete. Upon determination that application material are complete the Planning Board will declare the official submission date and will have 62 days to consider the application and to refer the application to the regional or county planning agency as required by § 239-m of the New York State General Municipal Law. The Planning Board shall give 10 days' written notice by mail to the applicant of the hearing and shall give public notice of said hearing in a newspaper of general circulation in the town at least five (5) days prior to the date of the hearing Notice shall also be given to the metropolitan, regional or county planning agency at least 10 days before the hearing by mail as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration as defined in Subdivision 1 of §

**239-m** of the General Municipal Law.

- B. The Planning Board shall then hold a public hearing on the date specified in said notices. Within 62 days after the close of the public hearing, the Planning Board shall approve, approve with conditions or disapprove the application, unless a time for making a decision has been mutually agreed to by the Planning Board and the applicant. Within five (5) days after the written decision of the Planning Board is made, it shall be filed in the office of the Town Clerk, and a copy shall be mailed to the applicant.
- C. Site plan approval expiration.
  - (1) Site plan approvals granted.
    - (a) Conditions. Where a site plan approval is granted with conditions, it shall expire six (6) months from the date of the decision granting conditional approval unless all conditions therein are satisfied. The applicant may make a written request to the Planning Board for an extension of this requirement. This period may be extended by the Planning Board for up to two separate ninety-day periods at the sole and unfettered discretion of the Planning Board for good cause shown or no cause at all.
    - (b) Site plan permit issuance. The applicant shall obtain a site plan permit for any project for which site plan approval is required within six (6) months from the date of the decision granting approval, whether approval is conditional or otherwise. If a site plan permit is not issued within such six-month period, the site plan approval shall expire. The applicant may make a written request to the Planning Board for an extension of this requirement. This period may be extended by the Planning Board for up to two separate ninety-day periods at the sole and unfettered discretion of the Planning Board.
    - (c) Expiration. Upon expiration of site plan approval, the site plan approval will become null and void, and the applicant will be required to submit a new, complete and updated site plan application. In the event that a building permit, site plan permit or both were issued in a timely manner and the site plan approval has not otherwise expired, but then such building permit or site plan permit expires or is canceled, then the site plan approval shall expire on that same date of cancellation or upon the passage of six (6) months from the date of the decision granting approval, plus any extension period granted by the Planning Board, whichever is later.

## **Article 11. Reimbursable costs.**

Whenever the Code or Zoning Enforcement Officer, any other officer of the Town of Tyre or any board of the Town of Tyre shall determine that the Town of Tyre Site Plan Review Regulations shall be required to be complied with and/or enforced, the costs incurred by said officer, Town of Tyre board or municipal entity, on behalf of the Town for consultation fees with engineers, attorneys or other professionals, or costs incurred in enforcing or complying with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the New York Environmental Conservation Law ("SEQR"), shall be paid by the owner or developer in accordance with Tyre Local Law #4 of 2014, as amended.

## **Article 12. Performance bond.**

If, in the opinion of the Planning Board, a performance bond is required to guarantee the duly authorized

completion of the project, the applicant will post a performance bond with the Town Clerk in an amount set by the Planning Board, in consultation with the Town Engineer, based upon the reasonable expected cost of completion, and no building permit shall be issued until such bond is posted. A certificate of occupancy shall not be issued until all requirements of construction are fully met and the bonding company is duly discharged.

### **Article 13. Site plan permits.**

- A. Site plan permits required. A site plan permit shall be required for any work included in a final site plan approved by the Town Planning Board. No person or entity shall commence any work for which a site plan permit is required without first having obtained a site plan permit from the Town of Tyre Code Enforcement Officer.
- B. Applications for site plan permits. Applications for a site plan permit shall be made in writing on a form provided by the Town Clerk or otherwise acceptable to the Code or Zoning Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with the final site plan approved by the Town Planning Board. The application shall include, but not be limited to, the following information and documentation:
  - (1) A description and timeline of the proposed work;
  - (2) The Tax Map number where the work is to be performed;
  - (3) The zoning district classification;
  - (4) At least six sets of project documents which:
    - (a) Define the scope of proposed work;
    - (b) Are prepared by a New York State licensed engineer;
    - (c) List any temporary or permanent stormwater facilities;
    - (d) List any existing and proposed buildings and the distances said buildings and the lot lines.
- C. Issuance of site plan permits. An application for a site plan permit shall be examined to ascertain whether the proposed work is in compliance with the final site plan approved by the Town Planning Board. The Code Enforcement Officer shall issue a site plan permit if the application has been submitted in compliance with this section, any fee for issuance of the site plan permit has been paid, and the proposed work is in compliance with the final site plan approved by the Town Planning Board.
- D. Site plan permits to be displayed. Site plan permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- E. Work to be performed in accordance with the project description and timeline. All work shall be performed in accordance with the final site plan approved by the Town Planning Board and with

the site plan permit. The site plan permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any desired change during the course of work. Any substantial changes to the final approved site plan shall require the owner of the subject property:

- (1) To make application to and obtain approval from the Town Planning Board for a new or amended site plan; and
  - (2) To make application to and obtain a new or amended site plan permit from the Code Enforcement Officer incorporating any approval by the Town Planning Board of such new or amended site plan prior to the site plan permit holder making such desired change. The site plan permit shall contain such a directive. The Code Enforcement Officer shall be responsible for overall inspections for the project, and work at the project, including coordination with the Planning Board and other officials and agencies as appropriate.
- F. Time limits. Site plan permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Site plan permits shall expire twelve (12) months after the date of issuance. A site plan permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Planning Board
- G. Revocation or suspension of site plan permits. If the Planning Board determines that a site plan permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which the site plan permit was issued varies from or violates the final site plan approved by the Town Planning Board, the Code Enforcement Officer shall revoke the site plan permit or suspend the site plan permit until such time as the permit holder demonstrates that all work then completed is in compliance with all provisions and conditions of the final site plan approved by the Town Planning Board, and all work then proposed to be performed shall be in compliance with all provisions and conditions of the final site plan approved by the Town Planning Board.
- H. Fee. The fee determined by resolution of the Town Board for the issuance of a site plan permit must be paid at the time of submission of an application for a site plan permit, for an amended site plan permit or for renewal of a site plan permit.

## **Article 14. Penalties for offenses.**

The failure to comply with the requirements of this local law shall be considered a violation of the Town Law for each day that the property owner or owners remain in noncompliance and shall be punishable, by a fine as is established and occasionally revised by the Town Board.

## **Article 15. Integration of procedures.**

Whenever the particular circumstances of proposed development require compliance with either the special use procedure in the Zoning Law of the Town of Tyre or other requirements, such as application for variances, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.



## **Article 16. Variances and Waivers.**

- A. **Variances.** Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary these regulations, in its sole and unfettered discretion, so that substantial justice may be done and the public interest secured, provided that such variations will not conflict with the intent and purpose of the Official Map, the Town of Tyre Comprehensive Plan, or the Town of Tyre Zoning Law.
- B. **Waivers.** Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- C. **Conditions.** In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

## **Article 17. Severability.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

## **Article 18. Effective date.**

This local law will take effect immediately on filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.