

CHAPTER 230-ZONING
ARTICLE XI: SITE PLAN APPROVAL

§ 230-66. General procedure.¹³

In all cases where this chapter requires approval of site plans by the Planning Board, such site plans shall be submitted to said Board by the Village Engineer, and no building permit shall be issued by him or her except in conformity with the approved site plans.

§ 230-67. Uses and actions subject to site plan approval and minor site plan approval.

- A.** Site plan approval by the Planning Board shall be required in all districts for the following uses and actions:
- 1) Any new construction or enlargement of a building, with the exception of new construction or enlargement of a residential building in an RA or RB district (see §230-67B).
 - 2) A change of use in which a change of building footprint is also proposed.
 - 3) Proposed new roads and driveways, and changes to existing roads and driveways, with the exception of new roads and driveways, and changes to existing roads and driveways, in an RA or RB district.
- B.** Minor site plan approval shall be required in all districts for:
- 1) Any new construction of a residential building. The construction of residential decks and patios, walkways and gardens is not subject to site plan review.
 - 2) Any enlargement of a single-family or two-family home that brings the total habitable floor area to 80% or more of the maximum permitted habitable floor area. The maximum habitable floor area is calculated by multiplying the maximum FAR in that zoning district by the lot size. When any enlargement of a single-family or two-family home is subject to minor site plan review, then the structures accessory to that single-family or two-family home, such as garages, are subject to minor site plan review as well.
 - 3) Any proposed clearing of trees or earthwork on any property involving twenty percent (20%) or more of the site.
 - 4) Any change of use where no change to the building or site is proposed.
- C.** Routine maintenance and investment such as repainting, re-roofing, and resurfacing/residing and window replacement shall be excluded from site plan review and minor site plan review.

§ 230-68. Pre -submission.

- A.** Site Plan Review. Prior to the submission of a formal site development plan, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site development plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to site development.
- B.** Minor Site Plan Review. For minor site plan review, the applicant shall submit the proposed building or clearing plan to the Village Engineer. Based on the proposed plan, the Village Engineer shall determine which of the criteria listed in §230-69D shall be included on the site plan. The completed site plan shall then be submitted for review in accordance with §§230-69A and B of this article.

§ 230-69. Required submissions.

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

- A. At least 15 days in advance of the Planning Board meeting at which a site development plan or an amendment of it or a minor site plan is to be presented, 10 copies of the site development plan and the information enumerated below must be submitted to the Village Engineer, along with a letter of application, if requested.¹⁴
- B. In addition, the application shall be accompanied by a fee in an amount set by resolution of the Board of Trustees.¹⁵ In the event that an application for site plan development is not approved, the applicant shall be entitled to a refund of 50% of the fee paid. Once approval has been given of a site plan, no refund shall be made regardless of whether the project is ever completed.¹⁶
- C. The foregoing schedule of fees and provisions relating to refund of fees shall also be applicable to applications for approval of subdivision plats.
- D. The information to be submitted and which, in total, constitutes a site development plan shall be as follows:
- 1) Legal data.
 - a) The names of all owners of record of all adjacent property and the lot, block and section number of the property.
 - b) Existing zoning district boundaries.
 - c) Boundaries of the property: building or setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.
 - d) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
 - 2) Existing buildings and facilities.
 - a) The location of existing buildings.
 - b) The location of existing water mains, culverts and drains on the property with pipe sizes, grades and direction of flow.
 - 3) Topographic data.
 - a) Existing contours with intervals of two feet or less, referred to a datum satisfactory to the Board.
 - b) The location of existing watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of six inches or more, measured three feet above the base of the trunk, and other significant existing features.
 - 4) Development data.
 - a) The title of development, date, North point, scale and name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
 - b) The proposed use or uses of land and buildings and proposed location or locations of buildings, including proposed grades.
 - c) All proposed lots, easements and public and community areas. All proposed streets with profiles indicating grading and cross sections showing width of the roadway, location and width of the sidewalk and locations and size of utility lines. All lengths shall be in feet

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

³ Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.

- d) All means of vehicular access and egress to and from the site onto public streets.
 - e) The location and design of any off-street parking areas or loading areas.
 - f) The location of all proposed waterlines, valves and hydrants and of all sewer lines with profiles, indicating connections with existing lines or alternative means of water supply or sewage disposal and treatment.
 - g) The proposed location, direction, power and time of proposed outdoor lighting by means of data, details and an illumination contour plan which shows that lighting equal to or greater than 1/2 foot candle will not splay off-site. [Amended 3-19-2001 by L.L. No. 3-2001]
 - h) The proposed screening where deemed necessary by the Board.
 - i) The proposed stormwater drainage system.
 - j) The location, either existing or proposed, of tents, ramada structures, inflatable structures and similar structures or facilities, which are erected or intended to be erected for more than 30 days within any one-year period, all of which are deemed structures or facilities that must be shown on any required site plan. [Added 4-22-2002 by L.L. No. 2-2002]
 - k) A plan showing existing slopes, rock outcrops, and rock ledges on the site and the environs within 200 feet of the property boundaries, and the post-construction plan showing proposed topographic contours and profiles, with existing and proposed contours to be shown at a maximum vertical interval of two feet.
- 5) Architectural Features.
- a) Purpose. To improve the overall visual and built quality in the village, encourage quality exterior building design, and to encourage buildings that are appropriate in design and scale to the site and surrounding area, the Planning Board shall also consider architectural features in its review of site development plans and minor site plans.
 - b) Required submissions. In addition to the materials listed in §230-69D-1) – 4), the applicant shall be required to submit the following materials to the Planning Board in order to demonstrate the design context within which a development is proposed.
 - (1) A photographic montage or appropriate drawings of the proposed development and its accompanying street district. The montage or drawings shall show the proposed building and all buildings within a 200 foot radius of the proposed building. If the building is within 200 feet of a corner, the montage or drawings shall include the corner and that part of the adjacent block within the 200 foot radius of the proposed building.
 - (2) Scaled building elevations.
 - (3) Narrative description and/or samples of proposed exterior building materials and treatments.

§ 230-70. Review by Planning Board.

- A. The Planning Board shall review the site plans or any amendment of such plans in the same manner as is prescribed by state law for the review of subdivision plats,¹⁷ with public notice for hearing to be identical to those required by § 230-76A for the Zoning Board of Appeals. [Amended 5-7-1990 by L.L. No. 2-1990]. For minor site plan review, the public notice and public hearing provisions of §230-76A are not required. The Planning Board may approve minor site plans in one meeting if the Board determines that the applications meet the approval criteria. The Planning Board shall by resolution approve, with or without modifications, or disapprove a minor site plan application within ninety (90) calendar days of receipt of a complete application by the Planning Board. If such decision is not

¹⁷ Editor's Note: See Art. 7 of the Village Law

rendered by the Planning Board by the ninety-first (91st) day, the application shall be deemed approved unless the applicant has consented to a further continuation of the review process.

- B. In considering and approving 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 of the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and particularly with regard to satisfactorily achieving the criteria listed below.
- 1) Maximum safety of traffic access and egress.
 - 2) A site layout, including the location, character and appearance of any proposed building, group of buildings or sign location with the power, direction and time of any outdoor lighting of the site, which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of properties in such districts.
 - 3) The reasonable screening, at all seasons of the year, of all playgrounds and parking and service areas from the view of adjacent residential properties and streets.
 - 4) Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Croton-on-Hudson as may be in existence from time to time.
 - 5) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
 - 6) In specific cases where the Planning Board finds that the maximum setback distances from the front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, it may require that such distances be increased, but in no case may it reduce said minimum setbacks.
 - 7) Location, arrangement, appearance and sufficiency of the off-street parking and loading. [Added 8-3-1992 by L.L. No. 7-1992]
 - 8) Adequacy of water supply and sewage disposal facilities. [Added 8-3-1992 by L.L. No. 7-1992]
 - 9) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants. [Added 8-3-1992 by L.L. No. 7-1992]
 - 10) Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets. [Added 8-3-1992 by L.L. No. 7-1992]
 - 11) The preservation of scenic views and vistas, consistent with reasonable use of property, particularly to the Hudson and Croton Rivers. [Added 8-3-1992 by L.L. No. 7-1992]
 - 12) Quality of architectural features. The following criteria are intended to provide a framework within which the Planning Board may judge the appropriateness of the project to the neighborhood context and, for renovations, to assess the compatibility of the proposed addition with the existing exterior building. The criteria are also designed to enable the designer of the project to exercise creativity and innovation.
 - i. Site development: the orientation, setback, alignment, spacing and placement of all buildings, and structures.
 - ii. Building design:
 - (1) Scale and proportion. The height, width, bulk and general proportions of the development, the ratio of wall surface to openings, and the ratio of the width and height of windows and doors.
 - (2) Setback and orientation. The setback of the building, accessory structures, and retaining walls, and the orientation of the proposed building to the setbacks on the lot, as well as to the setbacks of proximate buildings and the common street setback.
 - (3) Directional expression. The vertical, horizontal, or non-directional façade character of the proposed building or addition, and its relationship to the existing building and/or proximate structures.

- (4) Windows and doors. The pattern of placement and proportions of windows and doors, and their relationship with that of the existing building and other structures in the 200-foot vicinity of the building.
- (5) Roof form. Roof form should be in proportion to the structure and should relate to the materials and construction of the existing building and structures in the 200-foot vicinity.
- (6) Features and details. Balconies, decks, covered porches, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches should be in proportion to each other.
- (7) Wall materials. Walls should be constructed of natural materials such as masonry, stone, or wood, or of synthetic materials that are selected for harmony with natural materials.
- (8) Lighting. All lighting should be appropriate to the building and its surroundings in terms of style, scale, and intensity of illumination. Low wattage systems are preferred. Site lighting should be shielded to prevent glare or spillage onto adjoining properties.
- (9) Diversity of design. The designs for proposed new buildings should avoid:
 - i. Overly repetitive use of identical architectural features such as façade openings, cornice lines, etc.
 - ii. Overly similar treatment of building elevations.
 - iii. Excessive identical replication of the architectural style or treatment existing in surrounding buildings.
- (10) Historic quality. The building's value within the historic district or landmark fabric of the village (i.e., built before 1931); or listed on, or determined eligible for, the State and/or National Register of Historic Places; or designated as a historic site or property by Westchester County.

§ 230-71. Variations or waivers.

Variations or waiver of the general requirements outlined above may be permitted by the Board when, in its judgment, special factors warrant such variations or waiver.

§ 230-72. Maintenance of on-site improvements.

- A. It shall be the duty of each owner of property within the Village of Croton-on-Hudson, for which property site plan approval under this Article has been granted, to erect, maintain, repair and replace all on-site landscaping, screening, paving and any other similar improvements required contingent to such site plan approval. Single-family and two-family homes are exempt from this requirement but are subject to the requirements of Chapter 179, Property Maintenance, of the Village Code and the Property Maintenance Code of New York State.
- B. Notice of violation. Whenever the Village Engineer of the Village of Croton-on-Hudson determines that such on-site improvements are not being properly erected, maintained, repaired or replaced as required by Subsection A above, he shall include such determination in a notice of violation to be sent by the Village Engineer by registered or certified mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the village, which notice shall direct the owner to remove the violation within 30 days of mailing of the notice. The notice of violation shall specify the manner in which the on-site improvements do not comply with requirements, the correction that is required to be made and a statement that, in the event that the owner fails to comply within such 30 days, the Board of Trustees may direct the Department of Public Works to erect, replace, repair or maintain such on-site improvements and provide for the assessment of all costs and expenses so incurred by the village, in connection with any action taken by the village, to be placed as a lien against the property and included in the following year's village tax levied on the property.
[Amended 5-7-1990 by L.L. No. 2-1990]

- C. Enforcement of violation notice. Whenever the notice of violation has not been complied with within the thirty-day period after mailing of the same, the Board of Trustees shall, by resolution, direct the Department of Public Works to erect, repair, replace or maintain such on-site improvements in the manner specified in the notice of violation and to assess the costs and expenses of the same as a lien against the property as provided in Subsection B.
- D. Recovery of expenses. The costs and expenses incurred pursuant to Subsection C shall be paid by the owner of record of the property as shown on the last preceding assessment roll of the village. The Department of Public Works shall file among its records an affidavit stating with fairness and accuracy the items of cost and expense incurred and the date of execution of actions authorized by the Board of Trustees. The Receiver of Taxes and appropriate village officials shall incorporate all such costs and expenses as a lien against the property by including the same in the following year's village tax levied on the property unless said costs and expenses have been paid in full prior to preparation and mailing of the tax notice.

§ 230-73. Parks and playground sites. [Added 3-2-1987 by L.L. No. 2-1987; amended 8-3-1992 by L.L. No. 9-1992]

- A. In all cases where this chapter requires approval by the Planning Board of any site plan development that includes residential units, the regulations adopted by the Village Board of Trustees applicable to subdivisions regarding provision for parks for playground or other recreation purposes, or money in lieu thereof shall apply.¹⁸ Where money in lieu of recreation land is accepted, the amount shall be calculated based on the per-dwelling-unit fee then in effect for a subdivision in an RA District.
- B. This section shall not apply to property which formed part of a subdivision that was itself approved on condition that land or money be set aside for parks, playground or other recreational purposes.

§ 230-74. Plan amendments for dish antennas. [Added 12-16-1985 by L.L. No. 11-1985]

In all cases where site plan approval is required under this chapter, the installation of a dish antenna in excess of thirty-six inches (36") in diameter shall be deemed an amendment to the site plan or an action requiring a site plan if none has heretofore been approved and shall require submission to and approval by the Planning Board.

¹⁸ Editor's Note: See Article XII, Subdivision of Land, §230-123.