
§ 285-50.  Title.

This article shall be known as "Site Plan Approval of the Town of Greenburgh."


In order to ensure that proposed development and use of land within the unincorporated area of the Town of Greenburgh will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods and so to ensure that the health, safety, welfare, comfort and convenience of the public is fully considered, this article is hereby enacted.


As used in this article, the following terms shall have the meanings indicated:
SITE PLAN -- A plan which shows the proposed development and use of land within the unincorporated portion of the Town of Greenburgh. Such plan shall consist of a map affirmatively demonstrating compliance with and adequate provision for all of the criteria, matters and items listed in § 285-57C herein.


The approving agencies for site plans and all amendments to and modifications thereof shall be as follows:

A. The Town Board shall be the approving agency where a site plan application concerns property which is five acres or more in area, except for those applications filed pursuant to §§ 285-24 and 285-34 of this chapter.

B. Pursuant to § 274-a of the Town Law, the Town Board hereby delegates to the Planning Board the approval authority for all site plan applications which concern property less than five acres in area and for those applications filed pursuant to §§ 285-24 and 285-34 of this chapter.

§ 285-54. Standards.

In acting on any site plan application, the Planning Board, in addition to all other applicable laws, is hereby granted the powers set forth in Subdivision 1a of § 274-a of the Town Law of the State of New York and shall consider the standards set forth therein in granting site plan approval. The Town Board shall also consider the standards as aforementioned in its role as approving agency. The approving agency shall also take into consideration the following standards:

A. Traffic access and road. All proposed traffic access points and roads shall be adequate but not excessive in number, adequate in width, paving, grade, alignment and visibility and not
located too near street corners or other places of public assembly. Necessary traffic signalization, signs, dividers and other safety controls, devices and facilities shall be given proper consideration and duly provided wherever appropriate or warranted.

B. Pedestrian safety and access. Safe, adequate and convenient pedestrian access and circulation shall be provided both within the site and to adjacent streets with particular attention to all intersections with vehicular traffic.

C. Circulation and parking. Off-street parking and loading spaces shall be arranged with consideration given to their location, sufficiency and appearance and to prevent parking in public streets of vehicles of persons connected with or visiting the use. The interior circulation system shall be adequate to provide safe accessibility to, from and within all required off-street parking areas.

D. Screening and landscaping. All structures, recreational, parking, loading, public and other service areas shall be reasonably landscaped and/or screened by fencing so as to provide adequate visual and noise buffers in all seasons from neighboring lands and streets. The scale and quality of the landscaping and screening on site shall be harmonious with the character of and serve to enhance the neighborhood.

E. Environmental quality. All bodies of water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value shall be preserved insofar as possible; soil erosion shall be prevented insofar as possible; flood hazard shall be minimized; air quality shall be well within legal limits; and all potentially ecologically disruptive elements of site preparation, such as blasting, diversion of watercourses and the like, shall be conducted according to the highest standards of professional care.

F. Fire protection. All proposed structures, service areas, fire lanes, hydrants, equipment and material shall be adequate and readily accessible for the protection of the proposed uses from fire.

G. Drainage. A storm drainage system which demonstrates affirmative compliance with the form, scope and substance of all applicable design criteria shall be provided to accommodate expected loads from the tributary watershed when developed to the maximum density permitted under the existing zoning standards. Drainage shall be conducted to a point of adequate and suitable disposal. Where appropriate, retention shall be provided so as to limit overflow from the site to zero increase in the rate of runoff as related to existing conditions.

H. Refuse and sewage disposal. The public and/or private disposal systems shall be sufficient
to safely and adequately handle the type and volume of refuse and sewage which can reasonably be anticipated to be generated by the land uses on site.

I. Water supply. The public and/or private delivery systems for bringing potable water to each of the uses on site shall be shown to be sufficient.

J. Location and dimension of buildings. The location, arrangement, size and design of the buildings, lighting and signs shall be compatible with each other and with the site as a whole. At a minimum, the distance equal to the average height of the principal buildings on the site at the point where said buildings are most closely proximate to each other shall be provided between all buildings on the site unless, in the opinion of the approving agency, compelling considerations of topography or design dictate otherwise.

K. Impact of the proposed use on adjacent land uses. Adjacent and neighboring properties shall be protected against noise, glare, unsightliness or other objectionable features. Where a proposed use is a nonresidential use which would adjoin residential areas, special consideration shall be given by the approving agency to minimizing the impact of the proposed use on the residential properties.


§ 285-55. Approval required.

A. No building permit shall be issued until site plan approval shall have been obtained from the approving agency.

B. No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of the site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto.

C. Any amendment of a site plan shall be subject to the same approval procedure as provided in this article except where a waiver pursuant to § 285-57E(2), 285-57F(3), 285-58F(2) or 285-63 herein has been granted.

D. Following site plan approval pursuant to this article, multifamily lots in the Central Avenue (CA) District, the Planned Unit Development (PUD) District and any multifamily residence
district may be apportioned for the purposes of financing or phased construction among two or more separate homeowners' associations, condominiums or cooperatives or any combination thereof, subject to the following conditions: [Added 7-9-1986]

(1) Written approval for the apportionment must be received from the Town Attorney, Building Inspector and Planning Director, stating that the apportionment is in conformity with the spirit and intent of this section.

(2) For lots in a PUD District, all common property and recreational facilities must be owned and maintained by a single umbrella homeowners' association, condominium or cooperative for the benefit of all the affected unit owners in accordance with the PUD District regulations.

(3) Designation of common property areas and a single umbrella homeowners' association, condominium or cooperative may be required for any apportionment on a lot having recreation facilities or significant open space areas or when needed to assure adequate maintenance of roadways, parking areas, utilities, drainage and other common facilities, in the discretion of the Town Attorney, Building Inspector and Planning Director.

(4) Cross easements or other agreements for the benefit of each unit owner to ensure the full enjoyment of the lot, including all open space areas, common facilities, roadways and parking areas, and to ensure the proper maintenance of all roadways, parking areas, utilities, landscaping and drainage facilities shall be provided to the satisfaction of the Town Attorney, Building Inspector and Planning Director.

(5) The Town Board or Planning Board may require that a preliminary apportionment plan be presented as part of a site plan application for their review.

(6) Nothing herein shall be construed as to allow the amendment of any site plan or site plan condition of approval in terms of physical layout or any specific condition relating to phased construction, financing or apportionment.

(7) Said apportionments shall not be considered a subdivision for the purposes of this chapter or the subdivision regulations.

(8) Any apportionment made pursuant to this section shall be subject to the approval of the Westchester County Department of Health.

The provisions of this article shall not apply in any of the following instances:

A. A single one-family dwelling.

B. A single two-family dwelling.

C. All property classified in the Urban Renewal District of the Town of Greenburgh, subject to a land disposition agreement.

D. All alterations to existing buildings or structures, whether or not there will be a change of use which is permitted within the zoning district, provided that the Building Inspector, Town Engineer and Secretary to the Planning Board make a written finding that the alteration will not substantially intensify the use or substantially modify the site with respect to generation of traffic, pedestrian movement, parking needs, noise, glare, exposure to hazard from fire or flood, utilization of water supply, sanitary sewer, drainage or other utility system and will not in any other way have a substantial impact upon the character or environment of the surrounding area; provided further that, if such written finding is not made, the application shall be referred to the appropriate approving agency for site plan review. [Amended 7-8-1987 by L.L. No. 3-1987]

E. Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority, with permission of the Town Board. [Added 7-8-1987 by L.L. No. 3-1987]

F. Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority, with permission of the Town Board. [Added 7-8-1987 by L.L. No. 3-1987]

G. Other municipal buildings or uses operated by the Town of Greenburgh, with permission of the Town Board. [Added 7-8-1987 by L.L. No. 3-1987]
§ 285-57. Applications to Planning Board.

A. The application procedure for site plan approval shall involve a three-stage process: presubmission conference, site plan application and public hearing by the Planning Board. The Planning Board may adopt such rules and regulations as may be required to implement the application procedure.

B. Presubmission conference.

(1) Prior to the submission of a site plan application, the applicant shall meet in person with the Planning Board and/or the Secretary to the Planning Board. The purpose of such conference shall be to discuss proposed uses or development in order that the necessary subsequent steps may be undertaken with a clear understanding of the approving agency's requirements in matters relating to site development.

(2) Because all applications for site plan approval must comply with this chapter, any application requiring a variance or special permit must show that such variance or special permit has been granted (or, where permitted by this chapter, that such special permit application is being simultaneously submitted to the approving agency) by the appropriate agency prior to the filing of the site plan application with the Secretary to the Planning Board.

C. Application for site plan approval.

(1) Within six months of the presubmission conference, 16 copies of the application for site plan approval shall be filed with the Secretary to the Planning Board, accompanied by a detailed development plan prepared by a licensed architect or professional engineer under his professional seal, provided on a certified survey of the site which shall be prepared by a licensed surveyor, which plan shall contain the information specified below. All site plans and accompanying plans and drawings shall be at a scale of not more than 30 feet to the inch and on sheets not greater than 24 inches by 36 inches in dimension. Site plans requiring multiple sheets shall be submitted with a cover sheet drawn at a scale of not more than 200 feet to the inch, generally showing the site plan and the relationship of the individual sheets to each other. Plans at a larger scale may be required for sites having steep slopes, wetlands or other characteristics necessitating closer scrutiny. [Amended 7-8-1987 by L.L. No. 3-1987]

(a) A map showing the applicant's entire property and adjacent properties, including all improvements thereon, and streets within a radius of 500 feet of the perimeter of the site, at a scale of not more than 50 feet to the inch; any relevant deed
restrictions or covenants pursuant to deed, lease, mortgage or any other document where such restrictions or covenants affect the use of the land shall also be noted. A deed of ownership shall be submitted.

(b) The proposed use, location, height and design of all existing and proposed buildings and structures not designated for demolition or removal, including front elevation.

c) Any proposed division of buildings and structures.

d) Any proposed division of any building into units of separate occupancy.

e) The proposed spatial arrangement of land uses.

(f) Existing topography and proposed grade elevations, at intervals of two feet or less.

g) Location of all existing watercourses, intermittent streams, wetland areas, rock outcrops, wooded areas and other significant existing features.

(h) The general configuration of all existing and proposed public and private roads, drives and walkways.

(i) Proposed final grades, including detailed information relative to methods to be used to retain, stabilize and/or refurbish regraded areas.

(j) Location of all parking and truck loading areas, with access and egress drives thereto.

(k) Location of traffic safety devices and directional flow of traffic.

(l) Location of any outdoor storage.

(m) Location and description of all existing and proposed site improvements, including but not limited to drainage pipes, drains, culverts, ditches, bridges or other drainage works, retaining walls and medians, dividers and fences. Drainage information shall be provided by a licensed professional engineer, furnished under his seal.

(n) Location of all proposed and existing easements.

(o) Location of any special and/or zoning district lines.

(p) Description of method of water supply and sewage and garbage disposal and location of such facilities.

(q) Location, height and size of all signs.
(r) Location, height, quality and design of all landscaping and buffer areas, including information required by the Town of Greenburgh Ordinance entitled "Trees." EN(2)

(s) Location, height and design of lighting, power and communication facilities.

(t) Letters or permits from other agencies having jurisdiction as to their comments on the site development plan.

(u) Location of fire and other emergency zones, including the location of fire hydrants.

(v) Location, height, design and direction of all exterior and rooftop structures and facilities, including the placement of noise baffles and appropriate screening.

(w) The proposed location and design of all parking and access facilities as are required for the handicapped pursuant to the New York State Building Code.

(x) Any other pertinent information as may be necessary to determine and provide for the proper enforcement of this article as determined by the approving agency.

(2) If the site plan indicates a development in stages, a supplementary plan shall be submitted simultaneously with the proposed site plan, indicating total contemplated development.

(3) A site plan, following approval by the approving agency, shall be valid for a period of 24 months from the date of such approval unless a longer period of time is granted by the approving agency for cause shown. If there is no substantial change in the condition of the site and/or its environs, site plan approval may be extended by the approving agency for cause shown. [Amended 7-8-1987 by L.L. No. 3-1987]

(4) After approval of a complete site plan, subsequent applications for alterations which are referred to the approving agency by the Building Inspector or Secretary to the Planning Board in accordance with § 285-56D herein need only contain documents and information which directly relate to the alteration under consideration. However, the alteration will be considered in relation to the entire site plan as previously approved.

D. Referral. The Planning Board may forward one copy of the site plan application to the Town Engineer, the Building Inspector, the Water Department, the Fire District, the Police Department, the County Planning Department, the Greenburgh Environmental Quality Control Commission and the State Department of Transportation, if the site plan shows frontage along a state highway, and any other local, state, county, regional and federal agencies having jurisdiction, as well as to any technical consultant that the Planning Board,
in its discretion, deems necessary or appropriate for a thorough review of the application.

E. Public hearing.

(1) A public hearing on a site plan application shall be scheduled and conducted by the Planning Board, unless such hearing has been waived pursuant to § 285-57B, within 60 days after certification to the Planning Board by the Secretary to the Planning Board of receipt of a properly completed application. Public notices shall be as required by the Town Law of the State of New York.

(2) The Planning Board may, in its discretion, waive the hearing requirements after having made written findings setting forth why such waiver is not inconsistent with the purpose of this article.

(3) If the Planning Board fails to waive or to conduct a hearing within 60 days after certification, the application shall be deemed to be approved.

F. Action by Planning Board.

(1) Within 60 days of the date of the public hearing held after the receipt of a properly completed application, or where the hearing is waived within 60 days after the Planning Board meeting at which the waiver was granted, the Planning Board shall act to either approve, disapprove or approve with conditions the site plan application and shall specify what conditions, if any, are necessary.

(2) Planning Board disapproval shall include written findings.

(3) Approval of amendments to an approved site plan shall be acted upon in the same manner as an application for the approval of an original site plan. The fact that a hearing was held or that it was waived upon the original application does not predetermine how an amended site plan application is to be processed. Each application should be judged on its own merits and by its potential impacts.
four-stage process: presubmission conference, site plan application referral to the Planning Board (during which a public discussion may be held by the Planning Board) for its recommendation to the Town Board and a public hearing by the Town Board.

B. Presubmission conference. The procedures set forth at § 285-57B shall apply equally to this section.

C. Application for site plan approval. The procedures set forth at § 285-57C shall apply equally to this section.

D. Referral.

(1) The Town Board shall forward 16 copies of the site plan application to the Planning Board for review and recommendation.

(2) The Town Board may forward one copy of the site plan application to the Town Engineer, the Building Inspector, the Water Department, the Fire District, the Police Department, the County Planning Department, the Greenburgh Environmental Quality Control Commission and the State Department of Transportation, if the site plan shows frontage along a state highway, technical consultants and any other local, state, county, regional and federal agencies having jurisdiction.

(3) The Planning Board, with the assistance of the Department of Community Development and Conservation and other departments which they deem advisable to consult, shall review the site plan and, within 90 days from the date of referral, shall render a recommendation pursuant to its findings to the Town Board.

(a) The Planning Board may call upon the Westchester County Planning Department, the Soil Conservation Service and for any other technical consultant that the Planning Board, in its discretion, deems necessary for a thorough review of the application.

(b) The Planning Board, at its discretion, may hold a public discussion on the referred application within the ninety-day period allotted for review and recommendation. Notice of such public discussion shall be circulated as specified in § 285-57E.

(c) The Planning Board may, at its discretion, recommend conditions or improvements in the site plan for review of the Town Board in its decision as to site plan approval.

E. Public hearings. After review of the recommendations of the Planning Board and within 45 days after the next regular meeting of the Town Board following receipt of those recommendations, the Town Board shall conduct a public hearing on the site plan
application. Public notice shall be as required by the Town Law of the State of New York.

F. Action by Town Board.

(1) The procedures set forth at § 285-57F, with the exception of the waiver provision in Subsection F(1) thereof, shall apply equally to the Town Board under this section.

(2) The Town Board may, in its discretion, waive the hearing requirement on applications for amendments to previously approved site plans after having made written findings setting forth why such waiver is not inconsistent with the purpose of this article.

§ 285-59. Filing of approved site plan with Building Inspector.

The approved site plan shall be revised by the applicant to include all conditions imposed by the approving agency. It may then be signed and dated by the Secretary to the Planning Board. The approving agency shall submit a signed copy of the approved site plan, revised as set forth above, to the Building Inspector.

§ 285-60. Fees. [Amended 7-8-1987 by L.L. No. 3-1987]

Every application for site plan shall be accompanied by a fee of $300, plus $3 per each required off-street parking space, to help defray the costs of processing the site plan application. Additionally, should the approving agency deem it necessary to hire consultants for technical review, the applicant shall be required to bear the expense, not to exceed the total cost to the Town. In addition, if deemed necessary by the approving agency, the applicant shall be required to bear the costs of on-site inspection by technical consultants employed by the Town. In all cases, the applicant shall be required to bear the costs of on-site inspection by the Town Engineer and the Building Inspector and their employees.

The approving agency may require that public improvements and landscaping be secured by a performance guaranty in the same manner prescribed for such improvements in the Town Subdivision Regulations and/or through the use of letters of credit approved as to form by the office of the Town Attorney and as to substance by the approving agency.


Any violation of this article is subject to the same penalties as set forth in § 285-47 of this chapter.

§ 285-63. Waiver of requirements.

Upon a finding by the approving agency that, due to the particular character or limited nature of a development or change in use, or to special conditions peculiar to a site, the submission of a preliminary and/or final site plan or of certain portions of the information normally required as part of the site development plan is inappropriate or unnecessary or that strict compliance with said requirements will cause extraordinary and unnecessary hardship, the approving agency may vary or waive such submission or requirements wherever, in the opinion of the approving agency, such variance and waiver will be consistent with the goal of promoting the public health, safety, comfort, convenience and general welfare of the community. The findings for granting
such waiver shall become a part of the public record.

CODE AND ZONING ORDINANCE OF THE TOWN OF GREENBURGH, NEW YORK / ZONING ORDINANCE / Chapter 285, ZONING / ARTICLE IX, Amendments
Endnotes

1 (Popup - Popup)
Editor's Note: See Ch. 250, Subdivision regulations.

2 (Popup - Popup)
Editor's Note: See Ch. 260, Trees.

3 (Popup - Popup)
Editor's Note: See Ch. 250, Subdivision Regulations.