Chapter Nine

INTRODUCTION

Description of the Existing Site Plan Review Process

The site plan review process provides a means of plan implementation which is used by counties, cities, towns and villages. The process includes both individual site plan review and subdivision review.

The site plan review and approval of site development and construction plans is an important part of local water quality protection efforts. Certain types of potentially adverse impacts can be addressed and effectively eliminated or minimized as a part of the review process. Adequate site plan review can contribute to the achievement of the community goals set forth in local plans, policies, and ordinances.

The municipal comprehensive land use plan is a statement of the community goals and objectives and policies. It is usually expressed in a report and maps dealing with land use, housing, transportation, public facilities and other components, as required to achieve the goals and objectives. The plan creates a framework for the zoning, subdivision and environmental ordinances and for the administrative actions needed for plan implementation. State law requires that zoning and subdivision ordinances be based upon a comprehensive plan. In most instances, the zoning ordinance, subdivision and environmental ordinances, either individually or in combination, provide the legal basis for the site plan review process.
This chapter is concerned with the entire Site Plan Review Process (SPRP). The main emphasis is upon the site plan and subdivision review. Zoning changes, variances, and special permits are also addressed, since the approval of these items directly affects the development of the site plan and can have significant effects upon groundwater and surface waters. The process comprises a series of activities beginning, in some cases, with a request for a zoning change; in others, with site data gathering, analysis and preliminary plan preparation. It continues through the municipal review and the issuance of a building permit and terminates upon issuance of the certificate of occupancy and/or to the release of the performance bond, if any.

The remainder of the chapter is divided into five parts:

- a description of the legislative, regulatory and administrative controls that directly affect the site plan review process
- a brief description of the site plan
- an overview of the existing site plan review process
- a summary of some of the problems associated with the process
- recommendations for increasing the effectiveness of the review process as a mechanism for reducing the impacts of nonpoint sources upon groundwater and surface waters and directions for the preparation of a site plan consistent with surface water and groundwater protection

Measures to simplify and to improve coordination with the State Environmental Quality Review Act (SEQRA) are also outlined. Environmental Impact Statement (EIS) scoping, the use of performance standards, performance bonds, certificates of occupancy, restrictive covenants and municipal ordinances that can be used to ensure that an environmentally acceptable plan is implemented are included.

Other chapters that may be used in conjunction with this chapter are the Land Use chapter, which contains recommendations for general changes in land use, zoning ordinances and environmental ordinances to provide a better basis for the site plan review process; and the Ordinances chapter, which provides samples of existing and recommended groundwater and surface water protection ordinances.
EXISTING MANAGEMENT

Zoning and subdivision ordinances provide standards and guidelines, and establish procedures and timing for the site plan review process. Municipal environmental ordinances, state and county laws provide further authority for the site plan review process. The State of New York has delegated authority for the imposition of various land use controls through the enactment of enabling legislation:

- granting zoning powers (General City Law §20, Town Law §361 and Village Law Article 7, §7-700)
- authorizing the establishment of a board of appeals procedure (General City Law §81, Town Law 267, Village Law 7-712)
- providing for the review of subdivision plats (General City Law §32, Town Law 276 and Village Law 7-728)
- providing for the approval of site plans (General City Law §32-07, Town Law §274-a and Village Law §7-725)

In addition to the zoning and subdivision ordinances and county and municipal environmental ordinances, other laws — most notably sections 239 i and m of the General Municipal Law and sections 1323-1333 of the Suffolk County Charter — furnish the legal basis for site plan review.

The New York State Environmental Quality Review Act (SEQRA) is a relatively new and increasingly important element in the general site plan review process. Statutory authority for the New York State Environmental Quality Review Act is provided in the Environmental Conservation Law §8-0113. Part 617 1-18 provides a regulatory framework for SEQRA implementation by all state and local agencies.

A number of permits may be required as a part of the review process. These include:

- well permits
- sewage and industrial waste disposal permits
- tidal and freshwater wetland permits

The procedures used in the processing of applications for permits required by certain sections of the New York State Environmental Conservation Law are described in Title 6, NYCRR, Part 621. (The statutory authority for these regulations is the Environmental Conservation Law §70-0107). The authority and regulations for the permits subject to the Uniform Procedures Review are listed in Table 1. In addition to the State and municipal laws and regulations there are a number of Federal and local laws that require compliance for development and site activities. A number of regulations have been described in the various Handbook chapters. The procedure for obtaining these permits is described as a part of the site plan review process (see NYSDEC, Nassau County, Suffolk County).
<table>
<thead>
<tr>
<th>Action</th>
<th>Permit Required</th>
<th>Agency</th>
<th>Authority</th>
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<tbody>
<tr>
<td>Project area on or within 100 feet of a freshwater wetland or freshwater body of 12.4 acres or larger (Towns regulations may be more stringent). Project involving drainage, dredging, filling, excavating, erecting structures, roads, utilities or other alterations or placing any form of pollution in a wetland. (Consult the Regional Environmental Assessment Unit at 516/751-7900 if unsure)</td>
<td>Freshwater wetland</td>
<td>NYSDEC</td>
<td>ECL Article 24; 6 NYCRR Parts, 662 and 663</td>
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<td>Project involving the temporary or permanent artificial obstruction of a natural stream or watercourse</td>
<td>Protection of Waters Permit</td>
<td>NYSDEC</td>
<td>ECL Article 15; Title 5: 6 NYCRR Part 608</td>
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<td>Project involving the construction or repair of a permanent dock, pier or wharf having a top surface area more than 200 square feet.</td>
<td>Wild, Scenic and Recreational Rivers Permit</td>
<td>NYSDEC (Towns)</td>
<td>ECL Article 15; Title 27 Regulations have not yet been adopted</td>
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<tr>
<td>Project involving any excavation or placing of fill in the navigable waters of the State and adjacent wetlands.</td>
<td>Water Supply Permit</td>
<td>NYSDEC (or County)</td>
<td>ECL Article 15; Title 15: 6 NYCRR Parts 501 and 602</td>
</tr>
<tr>
<td>Future restricted activities within the boundary area.</td>
<td>Well Permit</td>
<td>NYSDEC</td>
<td>ECL Article 15; Title 15: 6 NYCRR Part 502</td>
</tr>
<tr>
<td>Acquisition, conservation, development or use of land or construction of facilities for water supply or distribution purposes</td>
<td>Tidal Wetlands Permit</td>
<td>NYSDEC (Towns)</td>
<td>ECL Article 25; 6 NYCRR Part 681</td>
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<td>Construction of new well or deepening or increasing capacity of an existing well to withdraw water at rate greater than 45 gpm or if project will lower groundwater levels for construction purposes.</td>
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<tr>
<td>Project located in tidal waters or within 300 feet of either the landward edge of a tidal wetland boundary or a tidal body of water.</td>
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<td>Any subdivision of land or physical alteration of land or water.</td>
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<td>Exemptions to the above regulated locations if:</td>
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<td>- Project will be located at a ground elevation of 10 feet or higher above mean sea level (excepting on the face of a bluff or cliff).</td>
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<td>- A substantial, manmade structure (such as a paved street or bulkhead) 100 feet or longer exists between the project site and tidal wetlands or tidal water.</td>
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<td>Any quantity of industrial waste</td>
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<td>Industrial hazardous waste greater than 1,000 kg/month</td>
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<td>Mining of greater than 1,000 tons of mineral within a 12 calendar month period</td>
<td>Mining Permit</td>
<td>NYSDEC (Towns)</td>
<td>ECL Article 23; Title 27; NYCRR Parts 420-426</td>
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<tr>
<td>Construction or modification of facilities (such as highways, stadiums, large shopping centers and parking lots) which, by generating significant traffic, may contribute to air quality deterioration.</td>
<td>Permit to Construct Indirect Sources</td>
<td>NYSDEC (Towns)</td>
<td>ECL Article 19; 8 NYCRR Part 108</td>
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</table>

1 The best usage of class C waters are fishing, propagation, survival and growth of fish, other aquatic life and wildlife, secondary contact recreation. "C" waters are not used as a source of water supply or for swimming. "T" represents waters suitable for trout habitat and spawning areas.
Zoning

Traditionally, zoning provides for the uniform application of adopted standards and regulations to all properties assigned to a specific zoning district.

A zoning ordinance is generally composed of three elements:

1. the **text**, which describes the intent of the ordinance, delineates the various districts or zones and specifies the general uses and densities allowed therein, sets forth administrative procedures, and defines the terminology used

2. the **zoning standards**, including a tabular listing of the building, bulk, and lot and yard requirements for each zone

3. the **zoning map**, showing the boundaries of each of the zones

See Figure 1 for a typical zoning map. By setting standards for development, this document controls the use and intensity of development of every property within the municipality. The more sophisticated zoning ordinances include descriptive statements of purpose (i.e., to protect groundwater, guide future growth) for each of the zoning districts, setting forth the local legislative intent for that district. These statements of purpose can be particularly helpful to the zoning and planning boards deliberating on the matters before them.

Zoning ordinances that provide standards, guidelines, timing and procedural information for site plan review often include some or all of the following:

- Identification of the site plan review agency (local municipality and county agency), where mandated; i.e., condominium development
- Requirement of a site plan review and approval procedure
- Identification of zoning districts where site plan approval is required
- Timing for the site plan review process
- Identification of objectives and standards for site plan review
- Development standards and/or design criteria for zoning districts
- Site plan requirements
- Requirement for preliminary site plan review prior to consideration of a change in zone
- Requirement for site plan approval before grading or tree removal may begin
- Compliance requirements before a building may be occupied
- Procedure for zoning board of appeal review

Examples of some of the provisions found in Long Island municipal codes are presented in Table 2.

Enforcement of the zoning ordinance on a day-to-day basis is usually the responsibility of the building inspector or other officials selected by the municipality's legislative body. Disputes arising out of his/her interpretation of the municipal zoning ordinance may be appealed to the zoning board of appeals for resolution. (See Zoning Variances).

A developer may request a change of a zoning category from one classification to another, before submitting site development plans to the municipality and to the county and state permitting agencies. The proposed zoning change is then reviewed by the municipality. The basic review process is outlined as follows:

- Applicant files proposal with the municipal clerk, who transmits it to the planning board
- Planning board staff meets with applicant
- Applicant submits revised application to the municipal clerk who transmits it to the planning board
- Municipality holds hearing or votes on application
- If the project is partially or totally located within prescribed jurisdictional limits, the application is sent to the county planning commission which reviews the proposal and approves, disapproves or approves with modifications (in Nassau County, the municipality must wait until the County acts on the zoning actions or site plan review)
- The municipal board then approves the requested change, with or without conditions or rejects the proposal
- If the county planning commission disapproves the change of zone, the municipal board may override by a vote of a majority plus one

TABLE 2
Summary of Site Plan Review Guidelines, Objectives and Standards Set Forth in Municipal Ordinances

NASSAU COUNTY

Site plan approval is generally the responsibility of the town board but review powers may be delegated.

Hempstead Town Code
§7-7.1
(c) Upon the receipt of such site plan, the Town Board may, in its discretion, either refer such plan to the Town of Hempstead Planning Board for the purpose of making a report and recommendations with respect thereto, or delegate to the Planning Board the authority to approve such plans.

The town board may be empowered to alter site plans.

Hempstead Town Code
§7-7.1
(e) The Town Board shall have the right at all times to modify or alter said site plan after issuance of said Building Permit and/or Certificate of Occupancy with the consent of the holder thereof or his successor in interest.

Penalties for violations are included in actions not in compliance with the site plan.

Hempstead Town Code
§18-0
PENALTIES. For any and every violation of the provisions of this Ordinance the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist or the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, a general agent architect, builder contractor, or any other person who knowingly commits, takes part or assists in any such violation or who maintains a building or premises in which any violation shall exist shall be guilty of an offense punishable by a fine not exceeding $250.00 or imprisonment for a period not to exceed six months or both. Each week’s continued violation shall consist of a separate violation. For the purpose of conferring jurisdiction upon Courts and judicial officers generally, violations of this Ordinance shall be deemed misdemeanors and for such purpose, provisions of law relating to misdemeanors shall apply to such violations. (eff. 12/2/74)

The towns require additional information in conjunction with site plans submitted for cluster developments.

Hempstead Town Code
§CR-8.0
O. In addition, the site plan shall be accompanied by: sketches showing proposed architectural treatment; single line floor plans showing layout of all buildings, and the text of all filled or proposed restrictions on the use of the land and buildings. The applicant shall submit a general statement describing the type of development proposed which shall include a description of the proposed management and ownership of the various elements of the condominium development, including:

1. dwelling units;
2. common areas and facilities ownership;
3. ground, building and facility maintenance;
4. street ownership and maintenance;
5. parking area ownership and maintenance.

E. The applicant shall submit any other information deemed by the Town Board to be necessary to a reasonable determination of the application. Such information shall be provided by the applicant.
TABLE 2 (Continued)

The town may designate a Gasoline Service Station District. A bond is required to secure compliance with district regulations.

The town may require applicants to meet performance standards in Planned Industrial Park Districts.

The town will not issue a certificate of occupancy until the facility is connected to a sewage disposal system.

The town may require that natural resource information be contained within the application for site plan review.

Hempstead Town Code
§GSS 3.0
B. BOND: That upon a new application for inclusion in the Gasoline Service Station District subsequent to an order of revocation the application shall be accompanied, in addition to the accompanying papers required for an initial application, by a bond in the amount of $10,000, to secure the performance of all terms and conditions on the part of the owner under the accompanying covenants and agreements. Such bond shall be in the form required by the Town Board and shall provide, among other things, that the remedies thereunder shall be non-exclusive and additional to the remedies under the covenants and agreements and as otherwise provided by law.

North Hempstead Town Code
§70-154
Performance standards
No land or building may be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbances; glare or heat; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects; or other dangerous or objectionable elements in an amount or manner as to adversely affect the surrounding area. Any use of land permitted under this Article may be undertaken and maintained if it conforms to all district regulations including the regulations of this section referred to herein as performance standards. All uses of land in a Planned Industrial Park District shall operate in conformance with the limitations.

North Hempstead Town Code
§70-185
(13) Location and type of drainage facilities with top and invert elevations. Drainage shall be provided on existing roads as required by the Town Engineer.

(14) Drainage requirements. Areas under two (2) acres of impervious surface may be designed with a leaching basin field designed by a licensed professional engineer to adequately dispose of surface drainage.

North Hempstead Town Code
§70-222
E. No certificate of occupancy, either temporary or permanent, shall be issued for any building unless such building is connected to a sewage and waste disposal system that complies with all federal, state and local requirements. Whenever approval of such sewage and waste disposal system is required by law, no certificate of occupancy, either temporary or permanent, shall be issued until final written approval for such system is granted by the agency charged with reviewing and inspecting such systems. [Added 5-22-84 by L.L. No. 3, 1984]

Oyster Bay Town Code
§80
(2) Natural features.
(a) If applicable, existing contours with intervals of two (2) feet or less, referred to a datum satisfactory to the board.
(b) Approximate boundaries of any areas subject to flooding or storm water overflows.
(c) Location of existing isolated trees with a diameter of eight (8) inches or more, measured three (3) feet above the base of the trunk, and any other significant existing natural features.
TABLE 2 (Continued)

SUFFOLK COUNTY

The municipal planning board may be authorized to undertake site plan review in accordance with the objectives and standards set forth in the municipal ordinances and regulations.

Site plan approval is usually required for a number of zoning districts within the town.

East Hampton Town Code
§153.14

B. The Planning Board shall administer site plan review and shall follow such objectives and standards as set forth in this and other ordinances and regulations of the town of East Hampton and may, from time to time, call upon expert advice in varied disciplines to assist in its determinations. The Planning Board may formulate procedures by which the intent of these provisions may be explicated.

East Hampton Town Code
§153.14

C. [Amended 1-18-81, 9-17-82] Site plan review by the Planning Board shall be required of all building permit applications and the construction of bulkheads and docks and any regrading preparatory to lot, parcel or site improvement for future use, sale or subdivision within the Town of East Hampton, in the Park and Conservation District, Multiple Residence District, Waterfront Marina District, Waterfront Business District, Retail Business District, Wholesale and Service Commercial District, Commercial-Industrial District, Commercial Industrial Heavy District and for those special purpose uses indicated in § 153-18B, except for those hereinafter exempt from such review.

Site plan review and approval procedure for site plans and change in structure or use are provided in the town code.

Brookhaven Town Code
§85-47. Site plan review and approval. [Added 7-16-81, effective 8-3-81]

A. Procedure.

1) In each case where a building, structure or use or alteration thereof is proposed in this district, except for one-family dwelling places, permitted agricultural uses and customary accessory uses thereto, the applicant shall submit a site plan of same to the Building Inspector for approval. The Building Inspector shall refer the site plan of the proposed building, structure or use or alteration thereof to the Brookhaven Town Planning Board for its review pursuant to § 85-428 of this ordinance. The Chairman of the Planning Board may require a public hearing pursuant to § 85-428D. With the exception of one-family dwelling places, permitted agricultural uses and customary accessory uses thereto, in the event that any building, structure or use is changed, sold or leased, the new owner or tenant shall cause notice to be given to the Department of Planning, Environmental and Development within thirty (30) days of such sale or lease on such form as is prescribed by said Department. The Department of Planning, Environment and Development shall make a determination as to whether a new site plan will be required by reason of any alterations or changes in the subject building, structure or use. Any landowner found guilty of violating this ordinance shall be fined at the rate of one hundred dollars ($100) per day. [Amended 5-4-82, effective 5-24-82]

No building permit shall be issued by the Building Inspector without such approval of the site plan and, in appropriate places, all other permits, approvals and authorizations as may be required from other municipal and governmental agencies or departments.
TABLE 2 (Continued)

Huntington Town Code
§198-116. Building and site development plans. [Amended 7-10-73 by Ord. No. 73-ZC-45]
A. Whenever the district regulations require the submission of a building and site development plan before a building permit is issued, the Planning Board shall act thereon within forty-five (45) days after the date of submission unless such time is extended by mutual consent, expressed in writing, of the applicant and the Planning Board; provided, however, that such extension shall not exceed forty-five (45) days. If deemed appropriate by the Planning Board, a public hearing may be held on such application, and in this event such public hearing shall be held within forty-five (45) days after the date of submission, held upon five (5) days' notice as provided in official newspaper, and the Planning Board shall act on said application within forty-five (45) days after such hearing unless such time is extended by mutual consent of the applicant and the Planning Board. Otherwise such plan shall be deemed to have been approved.

East Hampton Town Code
§153.14 . . . . and shall encourage development conforming to the following standards:
(1) Vehicular ingress and egress, interior traffic circulation, parking space arrangement, loading facilities and pedestrian walkways shall be planned so as to promote safety and efficiency.
(2) Lighting facilities shall be placed and shielded in such a manner as not to cause direct light to shine upon adjacent properties, and such illuminating source together with lighted signs shall not cause a hazard to be created upon a public street.
(3) Parking areas and driveways shall be sufficiently drained so as to prevent ponding. All drainage, paving, access driveways and parking areas shall be in conformance with the section of Chapter 131 (Subdivision of Land) of the Code of the Town of East Hampton pertaining to subdivision roads. The Planning Board may, in case of uses which traditionally exhibit extended periods of low parking demand on a weekly or seasonal basis, allow for not more than thirty percent (30%) of the required parking spaces to be on prepared, well-drained, dust-free grassed areas so as to lessen the visual impact of paved areas.
(4) When the site is located adjacent to a dwelling or a residence district, appropriate buffer landscaping, natural screening and fencing are to be provided in order to protect property values of existing and future dwellings.
(5) The rural, open space environment of the town shall be fostered by preserving, whenever possible, large trees and other unique natural features of the site. When extensive clearing and grading are necessary, the Planning Board may require a landscaping plan demonstrating that plant materials acceptable to the town will be planted and nurtured. Where extensive parking areas are involved, the Planning Board may require trees and shrubbery planting to break up and screen the area.
TABLE 2 (Continued)

Site Plan requirements may be specified in the town code.

Southampton Town Code
§69-38. Site plan procedure and standards
The site plan shall, if applicable, show the following:
(a) Property lines and related streets, right-of-way and easement lines as determined from a survey prepared by a licensed land surveyors, dated not more than one (1) year prior to date of building permit application.
(b) Location of existing and/or proposed buildings and structures and horizontal distance from adjacent fresh and tidal waters.
(c) For all sites adjacent to tidal waters, the elevation of the first floor of all buildings in relation to mean high water as measured from United States Coast and Geodetic Survey map datum.
(d) Layout of existing and proposed off-street parking areas showing the details of aisles, driveways and each parking space.
(e) Existing topography of the site and immediately adjacent property as revealed by contours of key elevations as may be required by the Planning Board and any proposed re-grading of the site.
(f) Existing and proposed stormwater drainage facilities, sidewalks, curbs and curb cuts and similar structures.
(g) Existing and proposed street trees, landscaping and fences.
(h) Existing streams or stream beds, ponds, lakes, tidal waters, fresh and salt water marshes, barrier beach dunes, canals and bulkheads.
(i) Existing and proposed outdoor lighting and sign locations.

Huntington Town Code
§198-115. Special design criteria for land in I-1 or I-2 District.
When a site development plan or plat of a tract of land fifty (50) acres or more in area is submitted to the Planning Board and such tract is located in an I-1 or I-2 Light Industry District, the Board simultaneously with the approval of the plat may establish special design criteria for lot area and yards as necessary to encourage sound industrial development patterns and good land use practice. Such special design criteria shall be limited as follows:
A. The minimum site area for a principal building may be reduced by not more than one-third (1/3) for not more than one-third (1/3) of the total building sites within the project, but the average site area of all building sites therein shall not be less than six (6) acres for I-1 Districts nor less than three (3) acres for I-2 Districts.
B. No building site reduced in area as provided in Subsection A hereof shall have principal frontage on a major street.
C. Minimum lot width for lots reduced in area may be reduced to not less than three hundred (300) feet in I-1 Districts and not less than two hundred (200) feet in I-2 District.
D. Minimum front yard depth for lots reduced in area may be reduced to not less than sixty (60) feet.
E. Minimum street frontage for lots reduced in area may be reduced to not less than one hundred fifty (150) feet.
F. No special design criteria shall be applied to lots or building sites adjacent to residence district boundaries.
A preliminary site plan review is required before a change of zone (i.e., to Downtown Development District ('DDD') in the Town of Islip).

The procedure for obtaining a zoning variance may be specified in the town code.

Site plan approval may be required before grading or tree removal may begin.

The developer must assume responsibility for compliance with the site plan. All required work must be completed or bonded before occupancy of any structure.

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**Islip Town Code**

§88-180.7. Site plan review.

A. Preliminary site plan.

1. Before application for a change of zone to “DDD” is made to the Town Board, a preliminary site development plan for the entire subject property shall be submitted to the Department of Planning and Development for its review. There shall be submitted with the site plan a copy of any deed restrictions or covenants running with the land, or, if there are not such restrictions, the applicant shall furnish an affidavit to that effect.

**Brookhaven Town Code**

§85-47

B. In any case where the site plan submitted by the applicant indicates that a variance will be required from the Board of Appeals in order to construct or use the premises as shown on said site plan, the applicant shall submit an application to the Board of Appeals simultaneously with the filing of his application for approval of the site plan. Upon adoption by the Board of Appeals of a resolution granting the application for the variance, said variance shall be deemed to be incorporated in the site plan submitted by the applicant.

**East Hampton Town Code**

§153.14

A. No grading or tree removal may take place until site plan approval has been obtained.

**Southampton Town Code**

Compliance with site plan. [Added 7-10-79]

1. A statement shall be placed on all site plans approved by the Planning Board to the effect that the owner(s) agree(s) to comply with the plan and all conditions noted thereon. The owner(s) or a bona fide agent responsible for completion of the work shall be required to sign such statement before any approved plans will be released by the Planning Board. In the event that the site plan is not signed by the owner or his agent within forty-five (45) days of the date of the resolution of the Planning Board approving the plan, said resolution shall be deemed null and void.

2. The site plan shall be fully completed in accordance with the approved plan, or the outstanding items of work bonded with acceptable surety to the Town, before any new building or structure shown on the approved site plan is occupied or any existing building shown on the approved site plan is occupied with a new use, pursuant to § 69-37C.
Variances

ZONING BOARD OF APPEALS (ZBA)*

Although all land in a zoning district is theoretically subject to the same rules, the fact that no two parcels of land are the same will occasionally call for the relaxation of zoning regulations as they apply to a specific site. The most common way of providing relief from the provisions of a zoning ordinance is through the granting of a variance. This is an authorization by the zoning board of appeals waiving one or more of the requirements set forth in the zoning ordinance.

Variances are given on appeal only after a proposal has been denied by the zoning enforcement officer, and evidence of practical difficulty or unnecessary hardship in complying with the ordinance is provided. Variances may be conditioned on the compliance with certain stipulations set by the board, such as the provision of landscaping or the inclusion of some other design feature to mitigate the effect of the variance upon the neighborhood. Variances are permanent and run with the land, and should be viewed as a derogation of the zoning ordinance. For this reason they should be granted sparingly.

The most common variance is an area variance, which deals with the application of the zoning district’s bulk and lot requirements. This type of variance relates to those elements of the zoning ordinance that prescribe the arrangement of structures on the land, including proposed setbacks, bulk, density, and the like. Area variances are granted on grounds of practical difficulty; that is, evidence of inability to comply with the regulations because of a constraining physical feature of the land.

Although specific criteria for the granting of a variance have not been set forth in statute, they have been defined in case law. The court system, through its appeal process, has developed requirements that an applicant must meet. The municipality must be able to justify the granting of a variance by showing that it is reasonably related to a proper purpose of zoning.

The cumulative effect of numerous variances could undermine the zoning ordinances and comprehensive plan. The zoning board of appeals must consider the long-range objectives and development policies of the community. Therefore, in some municipalities, the notice of zoning board hearings must be sent to the planning board to solicit its comment. Although the zoning board is not bound by planning board opinion, the comment of the planning board is often an important and helpful part of the evidence collected. The zoning board of appeals also must refer certain applications to the county planning board. A description of a zoning board of appeals review procedure is provided in the appendix.

Special Permits

There are some land uses that are useful and necessary to a community, but that are significantly different from the primary uses permitted within a zoning district. These are permitted uses that may have a greater impact on the area than the general range of uses and, therefore, may be subject to the issuance of a special permit. In some municipalities, the zoning board of appeals is empowered to issue special permits, in others the municipal board or the planning board is given the administrative responsibility.

The uses regulated by special permits are those that have the potential for adversely affecting surrounding properties, or themselves require protection from neighboring uses. In some of the more recently enacted ordinances, the flexibility of the special permit process has been used to regulate density or intensity of use in cases where this would further public policy. Schools, churches, hospitals, nursing homes, cemeteries, museums, and a variety of recreation types are often controlled by special permits because of the noise and traffic that they create. Uses that pose safety hazards, such as gasoline stations, power stations, or airports, are also often the subject of special permits. The Town of Hempstead has a special gas station district.

The task of determining whether or not to grant a special permit is considerably simplified when a checklist providing guidance is contained within the ordinance.

Subdivision Review Process

Subdivisions are reviewed by the local municipalities and also by the counties as required by the General Municipal Law, County Charter provisions or the need for county permits. (See Nassau and Suffolk Counties). Approval by the municipal planning board is required for the subdivision or resubdivision of real property. The map of the subdivision (or resubdivision) must comply with the subdivision regulations and site improvement specifications provided by the municipality. See Table 3 for a general procedure for the subdivision review process and Figure 2 for a diagram of the subdivision procedure used by the Town of Huntington.

TABLE 3
Subdivision Approval Process

- Preapplication conference
- Applicant may submit a pre-application sketch. The municipal planning board staff reviews and comments on the sketch.
- Applicant submits a preliminary map and data to the municipal planning board.
- If the subdivision is located within a town, the planning board holds a public hearing.
- Applicant obtains tentative approval from the municipal planning board.
- Applicant submits plans to the County (Health and Public Works Departments) and the State (NYS Department of Transportation and the NYSDEC) for required permits.
- Preliminary plans may also be sent by the local municipality to the county planning departments for comments, if required.
- Applicant prepares final plat.
- Applicant submits final plat, certificates, drainage and road plans and profiles to the municipal planning board for final approval (within 6 months of tentative approval).
- If required, County planning commission reviews plans (See Nassau and Suffolk Counties).
- Municipal board or planning board holds public hearing and prepares a resolution within 45 days after the hearing.
- Applicant submits final plan to the board with the required performance bond, inspectors fee, etc.
- Municipal Board grants or withholds approval.
- County Health Department, the NYSDEC and other permitting agencies finalize review and grant permits.
- Applicant records plat in County Clerk's Office within 90 days of approval.
- Applicant files as built survey, showing required subdivision improvements.
- Municipalities and other permitting agencies complete final inspection.
- Engineer certifies plans upon approval.
- Plan showing subdivision as completed as built is submitted to the planning board and the performance bond is released.

*As per the revised (January 1985) Law §278: Approval of plat, development of filed plat, the 90 day period for recording a plat has been reduced to sixty days. However, if a plat is recorded in sections, the first section must be recorded within sixty days and the second section within thirty days thereafter.

FIGURE 2 Sample Subdivision Procedure

Source: Huntington Town Planning Board
Criteria for the modification of subdivision regulations are provided in the municipal codes.

In Suffolk, at the county level, condominium site plan proposals are regarded as subdivisions for the purpose of review by the Suffolk County Planning Commission.

SEQRA Review Process

All of the towns have environmental quality review ordinances adopted pursuant to the State Environmental Quality Review Act (SEQRA). A simplified SEQRA review process is shown in Figure 3. A more detailed diagram of the SEQRA process, with the citation of the relevant provisions of the law for each step, is shown in Figure 4. A generalized diagram of the integration of the SEQRA process with site plan review and the subdivision review processes in the Town of Brookhaven is shown later in Figure 10.

A number of towns require applicants for site plan review to complete an Environmental Assessment Form (EAF) (short form) as required by municipal laws enacted pursuant to the New York State Environmental Quality Review Act. The form is designed to provide sufficient information to alert municipal officials to proposed development that may have a significant impact on the environment and to permit a determination of the need for further environmental review. (See Recommendations - a modified sample EAF for the Town of Smithtown.)

Type I actions require SEQRA review. Unlisted actions may require SEQRA review. Under SEQRA the localities may develop their own list of Type I actions (those that may have a significant impact on the environment) and Type II actions (those that do not have a significant impact), so long as the list is as stringent as the NVS SEQRA list.

Various towns have made additions or alterations to the State’s list of Type I or Type II actions. For example, the Towns of Babylon and Brookhaven consider a residential development of 25 or more units in an unsewered area or 50 or more units in a sewer area as a Type I action. The Towns of Islip and Southampton consider the construction or alteration of residences accommodating no more than fifty persons as a Type II action except when located in critical areas. The Town of Oyster Bay’s Type I action list includes subdivisions of up to four houses in critical areas. The Town of Southampton regards minor subdivisions and site plans as Type II actions unless the subject property is located in a critical area. Section 1611 of the Nassau County Charter states that less than five units is a Type II action.

Site Development Plan

The site development plan is an integral part of the site plan review or subdivision review process and also may be used for a proposed change of zone, a zoning variance or a special permit.

The site plan specifies the present and future characteristics of a parcel of land and its surroundings. The plan is usually presented in graphic form, possibly with a narrative to explain those portions of the plan that cannot be described graphically. The plan indicates the design, arrangement and intended activities for the parcel to be improved. See Figure 5 for a sample site plan.

The site development plan may be prepared by a licensed landscape architect, architect, civil engineer, land surveyor or other professionally qualified person, as specified in the municipal ordinance.

The site plan is reviewed to determine if the proposed development is compatible with existing zoning and environmental ordinances and to determine the potential physical, social and economic impacts of the plan upon the community, including the need for additional facilities and services. The site plan should be comprehensive so that the municipal reviewers will have sufficient information for a thorough review. See Table 4 for a list of typical design considerations.

State law allows local regulations to specify the site development plan components that must be submitted for approval. These components can be categorized generally as

- legal data
- impact on the environs
- natural features
- existing man-made features
- proposed development

A local ordinance or law can identify the submission requirements in either general or specific terms. If they are stated in general terms, the detailed review requirements can be spelled out in the regulations promulgated by the planning board. The reviewing agency usually develops a checklist, in accordance with its plan submission requirements, for the purpose of making certain that all components of the application have been received. The checklist may be broadened to include other information, such as a procedural history of the proposal, so that its status can be easily determined.

A checklist is provided in Table 5.

* Adapted from Local Government Technical Series. Site Development Plan Review Procedures and Guidelines. New York State, Department of State, 1984.
THE BASIC SEQR PROCESS
Implemented November 1, 1978

New York State Department of Environmental Conservation

SEQR Time Frames

1. 12 additional business days for lead agency disputes

2. publish hearings notice at least 14 days before public hearing

FIGURE 3 Simplified SEQR Procedure

Source: N.Y.S.D.E.C.
### TABLE 4

**Typical Development Considerations**

<table>
<thead>
<tr>
<th>Regional and Local Environments</th>
<th>Natural Features</th>
<th>Design and Aesthetics</th>
<th>Circulation</th>
<th>Miscellaneous</th>
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<td>Site Usage</td>
<td>Vehicular</td>
<td>Construction Specifications</td>
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<td>- Ingress and Egress</td>
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<td>- Geometrics</td>
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<td>- Structures</td>
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<td>Flood Hazard Areas</td>
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<td>Historic and Archeologic Considerations</td>
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<td>Incidents</td>
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</table>

*Adapted from Local Government Technical Series, Site Development Plan Review Procedure and Guidelines. New York State and Department of State February 1984.*

### TABLE 5

**Site Development Plan Review Checklist**

**Legal Data**

1. Name and address of applicant and authorization of owner if different from applicant.
2. Name and address of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan and map.
4. Ownership intentions, such as purchase options.
5. Current zoning classification of property, including exact zoning boundary if in more than one district.
6. Property boundary line plotted to scale. Distances, angles and area should be shown.
7. North arrow, scale and date.
8. Locations, widths, elevations and names of existing and proposed adjacent streets.
9. Property lines and names of owners of adjoining parcels.
10. Location, width and purpose of all existing and proposed easements, set-backs, reservations and areas dedicated to public use within and adjoining the property.
11. Description of all existing deed restrictions or covenants applying to the property.
12. Record of the application and approval status of all necessary state and county permits. (Final only.)

Another element, necessary to determine conformity with the intent of the regulations, is the identification of any state or county permits required for execution of the project.

**Impact of Proposal on Environ**

1. Relationship to adjacent and nearby land uses, both public and private.
2. Relationship to existing and proposed traffic patterns.
3. Relationship to existing and projected water supply, sewage disposal and similar service capabilities.
4. Relationship to the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents.
6. Effect on air and water quality.
7. Effect on energy consumption and conservation. Draft Environmental Impact Statement (EIS) and Environmental Impact Statement (EIS) will be required if the reviewing agency deems the proposal to be significant pursuant to the State Environmental Quality Review Act (SEQRA).
### Table 5 (Continued)

#### Natural Features
1. Geologic features, such as the location of kettle holes, erratics, eskers, or other geologic features.
2. Topographic features, including a map showing existing contour intervals of no more than five feet. Two-foot contour intervals should be required if the topography is relatively flat. Areas of steep slopes should be delineated as necessary.
3. Vegetative cover, including existing wooded areas, significant isolated trees and similar features.
4. Soil characteristics, such as load bearing capacity and drainage capacity.
5. Hydrogeologic features should include drainage and runoff patterns, flood hazard areas, wetlands and depth to groundwater, groundwater and surface water quality data, Special Groundwater Protection Areas, and Deep Aquifer Recharge Areas.

#### Existing Development and Infrastructure
1. Location and dimensions of major buildings and structures.
2. Location and width of roads and paths, including site access.
3. Location, size and flow direction of sewers, water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.
4. Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

#### Proposed Development
1. Grading and drainage plan showing proposed topography at appropriate contour intervals. This information can be combined with the map of existing topography if it can be clearly depicted.
2. 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.
3. Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading, and outdoor storage areas.
4. Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross-sections of roadways and sidewalks showing grades, widths and location and size of utility lines.
5. 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.
6. Location, design and construction materials of all energy distribution facilities, including electric, gas and solar energy.
7. Location, size and design of all outdoor lighting facilities and public address systems.
8. Location, size design and construction materials of all outdoor signs.
9. General landscaping plan and planting schedule, including the treatment of buffer areas and the location and types of trees to be planted.
10. Estimated project construction schedule with possible phasing plan for large projects. (Final only.)
11. Additional specifications for materials.
12. Performance bond, amount, completion schedule, public improvements covered, inspection and bond approval.

*Adapted from Local Government Technical Series, Site Development Plan Review, Procedure and Guidelines. New York State and Department of State February 1984.*
Site Plan Review for Single Parcels and Subdivisions

SINGLE PARCELS

Large and small parcels of land proposed for development may be subject to site plan review, depending on the intended use of the property. Most municipalities require review for high density residential, industrial, and commercial development. Single family low and medium density residential, residential-recreation, neighborhood business, special exception and special purpose area developments may also be subject to site plan review. Architectural review is also part of the process in some towns.

Since 1976, town planning boards have assumed the primary responsibility for the approval or disapproval of site plans (Town Law 274-A). (Previously, the planning boards performed an advisory function.) Various other departments, including building, environmental control or protection, highway and engineering act in an advisory review capacity. Planning board (or municipal board) site plan review is required before a building permit may be issued.

SINGLE PARCELS AND SUBDIVISIONS

In addition to municipal review, items such as the construction of wells, septic systems, the connection to sewage treatment plants, or the proposed use of lands adjacent to surface waters or fresh water or tidal wetlands require review and approval at the county or state levels (See Tables 1, 9, 10, and 12 for a listing of the types of permits required.)

Site plan review provides a mechanism for protecting the community health, safety and welfare by ensuring that the site plan conforms to the municipality’s land use recommendations and zoning. Important considerations in making site plan review decisions include:

- location of structures
- provision of adequate means of access, parking, landscaping, buffers and architectural features
- provisions for water supply, sewage treatment and stormwater control
- impact on adjacent land uses
- other factors relating to the maintenance of the general welfare of the community

The local legislative body (the town board and/or the planning board) normally establishes the regulations and criteria for the review of site plan applications. These are usually specified in the zoning ordinance. The review agencies may make revisions periodically in order to incorporate recently developed laws, guidelines and knowledge. The review criteria are usually specific enough to facilitate compliance but are also somewhat flexible in order to enable the site developer to provide the best possible design. See Figure 6 for a sample review sheet used by the Town of Brookhaven. Criteria may include mandatory setbacks and structural height limits for various zoning districts within the municipality, such as those shown in Table 6.

The site plan review process differs for each town. Representative types of processes are described in this section. The NYS statutes allow for either a single phase review procedure or a two-phase or three-phase (multi-phase) review procedure.

THE SINGLE PHASE REVIEW PROCEDURE

The basic single phase site development plan review procedure outlined in Figure 7 can be considered representative of the less complicated project reviews on Long Island.

See Figures 8 and 9 for flow charts that represent two different specific review processes for the towns of Oyster Bay and Babylon, respectively. See Figure 10 for an integrated SEQRA and site plan review process for the Town of Brookhaven.

THE MULTI-PHASE REVIEW PROCEDURE

The multi-phase review procedure is especially appropriate for large-scale development and for development proposed for sensitive environmental areas. A multi-phase procedure is shown in Figure 11 and the generalized procedural sequence is presented in Table 7. A description of the process is as follows:

PRELIMINARY PHASE

A municipality may mandate a presubmission conference or a preliminary approval phase. The purpose of this conference is to provide a needed exchange of information between the applicant and the municipality prior to site plan development, so that recommended site plan controls and guidelines can be effectively incorporated into the plan at an early stage. This avoids any unnecessary commitments of time and money, while increasing the likelihood of ultimate approval by assuring the timely exchange of information needed by both parties at the Preliminary Conference. This procedure may appear more costly to communities, but if it is properly organized, it may ultimately save time and expense.
TOWN OF BROOKHAVEN
PLANNING BOARD
SITE PLAN REVIEW SHEET

SITE PLAN FOR: ________________________________

DATE OF APPLICATION: ________________________

ZONE: ______________________________________

1. Field Inspection Completed

2. Drawing: Scale 1” = 20’ or larger

3. Boundary:
   (a) Metes and bounds from actual survey by
       licensed land surveyor
   (b) One copy of referred survey

4. Topography:
   (a) Contours or elevations
   (b) Physical features adjacent to property boundary,
       elevations out from property line
   (c) Town road cross-sections every 50’
   (d) Town of Brookhaven datum (National
       Geodetic Survey)

5. Key Map: Scale 1” = 1,000’ showing zoning limits

6. Adjoining property:
   (a) Zoning
   (b) Use
   (c) Record Owner

7. Site Data:
   (a) Intended use of property
   (b) Area of site from title survey
   (c) Area of buildings
   (d) Parking spaces provided
   (e) Graphic representation of test hole

8. Proposed Site Work:
   (a) Grading contours with spot elevations of critical
       points, building corners at entrance, catch
       basin inlets, change of gradient, etc.
   (b) Walks, curb, paving
   (c) Seeding, planting and fencing
   (d) Outline of all buildings with offsets from
       property lines
   (e) Striping for parking and traffic control with
       dimensions
   (f) Lighting layout and specifications
   (g) Estimate of quantities data
   (h) Cross-Sections:
      (1) Transition of parking to highway
      (2) Transition to adjoining property
   (i) Drainage:
      (1) Catch basins, manholes, etc.
      (2) Pipe size, type, gradient, invert
      (3) Method of recharge or discharge
      (4) Design data

9. Standard Town Notes

10. County - State Letter

11. Building Plans

12. Plans prepared under the seal of a licensed Engineer,
    Architect or Land Surveyor

13. Deeds:
    (a) Road Widening
    (b) Other

14. Property Checked for Covenants

15. Agency Approvals:
    (a) Suffolk County Health Department
        Date __________________________ Number __________________________
    (b) Town of Brookhaven Environmental Protection
        __________________________
    (c) Town of Brookhaven Fire Protection
        __________________________
    (d) Town of Brookhaven Board of Appeals
        Date __________________________ Number __________________________
    (e) Town of Brookhaven Traffic Review
        __________________________
    (f) Town of Brookhaven Planning Board
        Meeting Date __________________________
    (g) Signs __________________________

16. Fees:
    (a) Application fee paid __________________________
    (b) Inspection fee paid __________________________
    (c) Recreation fee paid __________________________

FIGURE 6 Sample Site Plan Review Sheet

Source: Town of Brookhaven
<table>
<thead>
<tr>
<th>Symbol</th>
<th>Section Number</th>
<th>District</th>
<th>Uses Permitted in District to Which Standards Apply</th>
<th>Maximum Building Height</th>
<th>Minimum Building Depth of Yards</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Frontage</th>
<th>Minimum Lot Width</th>
<th>Minimum Lot Side Yard</th>
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</tr>
<tr>
<td></td>
<td>186-34</td>
<td>C-12</td>
<td>Industrial</td>
<td>2 stories, 3 stories</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>2 acres</td>
<td>2 acres</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>186-35</td>
<td>C-13</td>
<td>Light Industry</td>
<td>2 stories, 3 stories</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>2 acres</td>
<td>2 acres</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>186-36</td>
<td>C-14</td>
<td>Light Industry</td>
<td>2 stories, 3 stories</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>2 acres</td>
<td>2 acres</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>186-37</td>
<td>C-15</td>
<td>General Industry</td>
<td>2 stories, 3 stories</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>2 acres</td>
<td>2 acres</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>186-38</td>
<td>C-16</td>
<td>Generating Station</td>
<td>2 stories, 3 stories</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>2 acres</td>
<td>2 acres</td>
<td>50</td>
<td>40</td>
</tr>
</tbody>
</table>
FIGURE 7 Basic Single Phase Procedure

FIGURE 8 Generalized Site Review Process

* Adapted from Local Government Technical Series. Site Development Plan Review, Procedure and Guidelines, New York State and Department of State, February 1984.
**FIGURE 9** Generalized Site Review Process

- Applicant
- Building Division
- Check Zoning
- Check Building Plan
- Planning Division
- Applicant or Developer/Architect
- AQAR
- SEQR - Determination
- Planning Board
- Approve
- Building Permit
- Issued
- Street Opening Permit
- Issued
- Site inspection
- Building Division
- By Planning Board, Plan/permit
- Planning Board
- Recommend
- Voids
- Certificate of Occupancy
- Building Division
- Issued

**Source:** Town of Babylon

**FIGURE 10** Site Review Process Incorporating SEQRA Action

- Applicant
- Submits Application and Short EAF
- Long EAF is required for Industrial Projects and Other Activities that May be Significant
- Environmental Division
- Reviews Environmental Aspects - Site Inspection is Necessary
- Makes Determination as to whether the Action is Unconditional Type A or B
- If Type A, positive completion of review is required
- If Type B, mitigation measures are identified
- Planning Division
- Reviews for Grading and Drainage
- Site Inspection if Necessary
- Historic District Advisory Committee
- Historic District Advisory Committee
- Town Planning Board
- All comments are forwarded to the planning board
- Planning Board Meeting with Applicant Representatives From the Planning Division and Environmental Division Are Present
- Other Government Agency Permits Approved
- Approval
- Approval
- Site Plan
- Site Inspection by Building Inspector Planning Div and Environmental Div
- Certificate of Occupancy
- Issued

**Source:** Town of Brookhaven
TABLE 7

Multi-phase Site Plan Procedural Sequence

- Initial contact with enforcement officer
- Presubmission conference
- Preliminary application
  - Public hearing notice
- Public hearing
  - Tentative action:
    - Approval
    - Approval with modifications
    - Disapproval
    - Resubmission required
  - Lapse date for final approval
- Final application
  - Referral
  - Comments returned
  - Final Action:
    - Approval
    - Approval with modifications
    - Conditions satisfied
    - Disapproval
    - Resubmission required
- Site clearance and building permit granted
- Performance bond required
  - Amount
  - Period
  - Improvements covered
- All conditions on plans have been implemented
- Performance bond satisfied
- Certificate of occupancy

FIGURE 11 Multi-Phase Site Development Plan (SDP) Review Procedure

*Adapted from Local Government Technical Series: Site Development Plan Review. Procedures and Guidelines. New York State and Department of State. February 1984*
The municipality may give tentative approval or tentative approval with modifications or disapproval. If approval or approval with modifications is given, then the applicant may prepare for the final submission. If tentative approval is denied, the applicant must make necessary revisions and resubmit the application for preliminary approval. The most substantive and detailed review occurs (or should occur) during the preliminary phase.

During this phase, the owner-developer usually submits applications directly to the state or counties if NYSDEC or county permits are required. See Figure 12 for the Uniform Procedures Permit process used by the NYSDEC and Figure 13 for the basic SPDES permit process.

**FINAL SITE PLAN DEVELOPMENT PHASE**

The following steps normally occur in this phase:

- **Application**
  - The final development plan is submitted for approval. The plan includes the following information:
    - Date of submission
    - Potential impact of the proposed development on the environs
    - Natural site features
    - Existing development and infrastructure
    - Site development proposal (plan and specifications)
    - Record of the approval status of all state (possibly federal), and county permits

- **Evaluation**
  - The final plan is reviewed to determine if it meets the requirements of the zoning regulations. Appropriate municipal departments or agencies, including engineering, highway, public works and environmental departments review and comment on the plan. The plan is also evaluated for conformance with the comprehensive land use plan and, hopefully, with a municipal land capability analysis that provides data on development limitations, critical environmental areas, and unique features, and prescribes techniques to minimize impacts.

- **Referral**
  - Where required pursuant to Sections 239-1 and 239-m of the General Municipal Law or County Charter, the plan is referred to the appropriate county planning commission prior to final action by the municipality. (See Nassau and Suffolk Counties).

**NASSAU COUNTY REVIEW AFFECTING SITE PLANS AND SUBDIVISIONS**

The Nassau County Planning Department's responsibility in respect to land development at various sites is limited to the authorities contained in section 334a of the New York State Real Property Law, and in the Nassau County Charter, section 1610, relating to the subdivision of land.

Subdivision Plan Approval – §1610, as amended, of the Nassau County Charter, gives the Planning Commission conclusive authority to:
- approve subdivision plats
- establish standards for public improvements such as roads, utilities and storm drainage
- supervise the installation of required improvements in the unincorporated areas of the county

It also authorizes the Planning Commission to review subdivisions that are located in an incorporated area either within a distance of three hundred feet of either city and village boundaries or of county roads.

The Nassau County Department of Health requires the completion of a project permit questionnaire as a part of the process. See Appendix Figure 9.

Drainage and wastewater plans for a particular subdivision are usually prepared by a consultant, acting on behalf of the applicant, and are presented to the Planning Commission. The plans indicating the drainage and wastewater management provisions are then forwarded to the Departments of Health and Public Works for evaluation, comment, and approval. The proposed drainage facilities must be approved by the Commissioner of Public Works, Nassau County Health Department and the local municipal authority.

The subdivision map must be filed with the county clerk. A notice stating the map has been filed, date of filing and the amount of the bond is sent to the towns.

Single lot residential development applications are filed with towns and reviewed by the building inspector.

See Table 8 for a description of the NCDH permit review procedure for on-site sewage disposal systems for realty subdivisions and for individual on-site private sewage disposal systems.
FIGURE 12 Uniform Procedures Process

FIGURE 13 Basic S.P.D.E.S. Permit Issuance Process
TABLE 8
Steps for Obtaining NCDH Approval of Realty Subdivision, Individual On-Site Private Sewage Disposal Systems, and Lateral Sewer Extensions

- Submit Plans to Health Department
  Plans must be prepared by individuals whose qualifications meet state requirements.

- Preliminary Conference

- Lead agency initiates and completes SEQRA review process
  Applicant must submit a Short Environmental Assessment Form as early as possible unless SEQRA coordination is the responsibility of another agency (Nassau County Planning Department)

- Prepare Test Hole Excavations for On-Site Disposal System

- Test Hole Inspection

- Put Test Hole and Soil Data on Plans

- Finalize Plans

- Submit Application Package (permit questionnaire)
  Submit Project Permit Requirement Questionnaire to NCDH in order to determine if NYSDEC permits are required, plus plans, fees and etc.

- Obtain Preliminary Approval

- Submit Final Plans and Documents

- Plan approval

- Permit issuance
  a. Certification of Approval of Realty Subdivision Plans (subdivisions with on-site sewage disposal are subject to approval of a SPDES permit)
  b. Individual On-Site Private Sewage Disposal (SPDES permit)

- Certification
  Supervision, submission and certification of as-built by the project consultant to the NCDH.

Source: Nassau County Department of Health, Sewage Disposal and Other Environmental Factors, John J. Dowling, M.D., M.D.H., Commissioner, November 1979, Revised February 1981.

Construction of any stormwater drainage or storage basin required by the Planning Commission as a condition of subdivision plat approval may not begin without prior notification to the Commission. The developer must obtain written permission from the Director of the Commission before he or his agents may begin such work.

SUFFOLK COUNTY REVIEW AFFECTING SITE PLANS AND SUBDIVISIONS

Art. XIII of the Suffolk County Charter provides for the Suffolk County Planning Commission review of
- zoning changes
- special permits
- zoning variances and subdivision plots affecting lands within one mile of a nuclear power plant or airport; or within 500 feet of the boundaries of village, town, County, State or Federal parks; rights-of-way for County or State roads; rights-of-way of County-owned streams or drainage channels; boundaries of other County, State or Federal land; or the Atlantic Ocean, Long Island Sound, or any bay or estuary of those waters in the County.
Planning Commission response may be
- no recommendation (a matter for local determination)
- approval
- conditional approval
- disapproval for stated reasons.

If no action is taken within 45 days, the proposed action is deemed automatically approved. The municipality may override by vote of a majority-plus-one, with a statement of reasons therefore.

The Commission has established subdivision plat review criteria relating to water quality management. For example, subdividers are required to provide a stormwater collection system so designed that no precipitation falling or running across the tract shall reach a county road or roads. Further, stormwater cannot be directly disposed of into any creek, stream, brook, bay, harbor, or any other body of water. In the case of waterfront lots in shoreline areas, no buildings can be placed at the top of a slope or at the edge of a bluff. Additional setbacks are required to compensate for the effects of erosion on the shoreline. No stormwater drainage or concentrated runoff may be permitted to flow down the face of a bluff or shoreline slope.

The Suffolk County Department of Public Works reviews proposed town highways and subdivisions located adjacent to County roads. The NYS Department of Transportation reviews subdivisions adjacent to State roads. The Suffolk County Department of Health Services requires applications for a number of permits, including

- permits for private water supplies
- toxic and hazardous material storage permits
- permits for on-site disposal systems, modified subsurface sewage disposal systems, and community sewerage disposal systems for non-sewered areas, including the construction of treatment works and sewer connections to existing systems in sewer areas.

The SCDHS reviews subdivision and realty development maps for conformance with standards. See Table 9 for sub-surface sewage disposal system requirements for residential or commercial subdivisions and Table 10 for sub-surface sewage disposal systems for nonresidential single lot development. For an equivalent wastewater design flow greater than 15,000 gallons an approved sewer collection and treatment works is required. See Table 11 for the SCDHS permit process for various types of sewage disposal systems. Table 12 lists the standards used to determine sanitary sewerage design flow for various residential and commercial uses.

Once a county planning commission has rendered a decision on the subdivision plat and/or Nassau County has rendered a decision on a site plan, the NYSDEC permits have been obtained and the county health department has given final approval, then the municipal board will review the plan and render a final decision.

- Public Hearings

Public hearings are required for certain zoning changes or certain types of development applications as defined in the municipal regulations or zoning code. A hearing provides a public forum to air views and provide additional information regarding the development. If a public hearing is required, it must occur within forty-five days of the submission.

- Decision

A decision by the local reviewing authority (approval or disapproval) is required within forty-five days following the hearing unless the project requires an EIS, in which case the timing for the SEQRAR Process prevails. (Sixty days are allowed for villages.) The decision may include the recommendations of various expert reviewers and may reflect the views of affected residents.

- Building Permit and Certificate of Occupancy

Once the site plan is approved, a copy of the approved plan is filed with the municipal clerk. In order to insure compliance with the site plan, municipalities may require the deposit of cash, a certified check or a performance bond. At least one town requires the owner to sign the site plan.

Once the applicant has obtained all other required permits (State, County) the municipality may issue a building permit. In most cases building permits must
### TABLE 9
SUFFOLK COUNTY - Sub-Surface Sewage Disposal System Requirements
For Residential or Commercial Subdivisions

<table>
<thead>
<tr>
<th>Wastewater or Design Flow</th>
<th>System Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater flow of less than or equal to 300 gallons per day per acre in 208 Zones III and VI</td>
<td>A standard septic system is permitted.</td>
</tr>
<tr>
<td>Wastewater flow of less than or equal to 600 gallons per day per acre in the remaining 208 Zones, provided public water is available.</td>
<td>Community Sewerage disposal system with treatment works meeting applicable design and effluent standards is required.</td>
</tr>
<tr>
<td>Equivalent wastewater flow of greater than 300 gallons per day per acre in 208 Zones III and VI and greater than 600 gallons per day, per acre in other 208 Zones.</td>
<td></td>
</tr>
</tbody>
</table>

1 The installation of a sub-surface sewage disposal system(s) is prohibited when the site to be developed is located in an area with an approved sewer system and treatment plant.
2 The volume of sewage to be used for the purpose of designing the hydraulic size of the sewage disposal system.

### TABLE 10
SUFFOLK COUNTY - Sub-Surface Sewage Disposal Systems for Other Than Single Family Dwellings on Single Lots

<table>
<thead>
<tr>
<th>Wastewater or Design Flow</th>
<th>System Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater flow of less than or equal to 300 gallons per day per acre in 208 Zones III and VI or in any Zone with no public water.</td>
<td>A standard septic system is permitted.</td>
</tr>
<tr>
<td>Wastewater flow of less than or equal to 600 gallons per day per acre in the remaining 208 Zones, provided public water is available.</td>
<td>Community Subsurface Sewerage disposal system capable of meeting applicable design and effluent standards is required.</td>
</tr>
<tr>
<td>Equivalent wastewater flow of greater than 300 gallons per day per acre in 208 Zones III and VI and greater than 600 gallons per day, per acre in other 208 Zones and less than 15,000 gallons per day.</td>
<td></td>
</tr>
</tbody>
</table>

1 The installation of a sub-surface sewage disposal system is prohibited when the site to be developed is located in an area with an approved sewer system and treatment plant.
2 The volume of sewage to be used for the purpose of designing the hydraulic size of the sewage disposal system.
3 A sewage treatment plant is required for a flow of greater than 15,000 gallons per day.
### TABLE 11
SUFFOLK COUNTY - Permit Process For Various Types Of Sewage Disposal Facilities By Area and Type of System

#### Type of Review

<table>
<thead>
<tr>
<th>Type of System</th>
<th>Site Plan</th>
<th>Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Septic System</td>
<td>Modified Subsurface Sewage Disposal System</td>
<td>Community Sewage Disposal System with Treatment Works</td>
</tr>
<tr>
<td></td>
<td>Submit plan and fee for preliminary review to SCDHS</td>
<td>Submit plan and fee for preliminary review to SCDHS.</td>
</tr>
<tr>
<td>REVIEW PROCESS</td>
<td>All other permits must be approved before health permit is granted.</td>
<td>All other permits must be approved before health permit is granted.</td>
</tr>
<tr>
<td>Municipality issues building permit.</td>
<td>SCDHS grants approval for installation.</td>
<td>SCDHS approval for construction.</td>
</tr>
<tr>
<td>Applicant installs system; inspection is made; then area is backfilled.</td>
<td>Applicant installs system; inspection is made.</td>
<td>Applicant installs system. Inspection is made and approval (or disapproval) is given by the SCDHS</td>
</tr>
<tr>
<td>Applicant submits as-builts.</td>
<td>Applicant submits as-builts.</td>
<td>Applicant submits as-builts.</td>
</tr>
<tr>
<td>Health Department gives final approval.</td>
<td>Health Department gives final approval.</td>
<td>Health Department gives final approval.</td>
</tr>
<tr>
<td>Final approval is required before municipality issues a c.o.</td>
<td>Final approval is required before municipality issues a c.o.</td>
<td>Final approval is required before municipality issues a c.o.</td>
</tr>
</tbody>
</table>

#### For Sewered Area

<table>
<thead>
<tr>
<th>Site Plan or Subdivision</th>
<th>Sewer Connection to Existing Sewer District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit plan and fee to SCDHS</td>
<td>SCDHS reviews plan and prepares recommendations and coordinates with DPW</td>
</tr>
<tr>
<td>SCDHS withholds approval until pending municipal subdivision permits are approved.</td>
<td>Plans are submitted to the sewer agency for approval.</td>
</tr>
<tr>
<td>System is installed, inspected.</td>
<td>Sewer agency grants approval.</td>
</tr>
<tr>
<td>Applicant submits as-builts.</td>
<td>Final approval is required before municipality issues a c.o.</td>
</tr>
</tbody>
</table>
TABLE 11 (Continued)

DEFINITIONS

Septic System - A septic tank used in combination with one or more leaching pools.

Septic Tank - A watertight chamber that promotes the settling, stabilizing and anaerobic decomposition of sewage.

Leaching Pool - A sub-surface structure designed to allow for maximum exfiltration of sewage into the surrounding soil.

Modified Sub-surface Sewage Disposal System - A sub-surface sewage disposal system that is designed for the purposes of providing additional treatment to conform with applicable effluent standards.

Community Sewerage Disposal System - A system utilized for the collection and disposal of sewage and other waste of a liquid nature, including various devices for the treatment of such wastes and sewer more than one parcel whether owned by a municipality or corporation, private utility, or otherwise.

Sewer System (also referred to as sewerage system, public sanitary sewer, municipal sewage disposal system, and communal sewage disposal system) - Pipe lines, conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, to a point of ultimate disposal.

Backfill - 1) The operation of refilling an excavation, usually after some structure has been placed therein. 2) The material placed in an excavation in the process of backfilling.

TABLE 12

Standards for Calculating Minimum Design Flow

All sub-surface sewage disposal systems are to be designed according to the occupancy rating and/or the following criteria:

<table>
<thead>
<tr>
<th>Building Use</th>
<th>Design Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Equivalent</td>
<td>300 gallons/day</td>
</tr>
<tr>
<td>Efficiency Apartments/Hotel/Motel Units over 400 sq. ft. in area</td>
<td>100 gallons/day/unit plus food service</td>
</tr>
<tr>
<td>1 Bedroom Apartment/Condominium</td>
<td>150 gallons/day plus food service</td>
</tr>
<tr>
<td>2 Bedroom Apartment/Condominium</td>
<td>150 gallons/day</td>
</tr>
<tr>
<td>3 Bedroom Apartment/Condominium</td>
<td>225 gallons/day</td>
</tr>
<tr>
<td>Planned Retirement Apartment/Condominiums One Bedroom</td>
<td>300 gallons/day</td>
</tr>
<tr>
<td>Seasonal Cottages</td>
<td>100 gallons/day</td>
</tr>
<tr>
<td>Tourist Camp</td>
<td>100 gallons/day/bedroom</td>
</tr>
<tr>
<td>Trailer Park</td>
<td>60 gallons/day/site</td>
</tr>
<tr>
<td>Theaters</td>
<td>150 gallons/day/trailer</td>
</tr>
<tr>
<td>Drive-In Theaters</td>
<td>1.5 gallons/day/occupant</td>
</tr>
<tr>
<td>Bowling Alley, Racquetball or Tennis Courts</td>
<td>5 gallons/day/parking space</td>
</tr>
<tr>
<td>Day School</td>
<td>100 gallons/day/court or alley</td>
</tr>
<tr>
<td>Boarding School/Home</td>
<td>5 gallons/day/occupant + food service</td>
</tr>
<tr>
<td>Office Space</td>
<td>75 gallons/day/occupant</td>
</tr>
<tr>
<td>Industrial Storage/Warehouse</td>
<td>12 gallons/day/occupant</td>
</tr>
<tr>
<td>Spas, Beach, Country Clubs</td>
<td>0.04 gpd/sq. foot of building floor area</td>
</tr>
<tr>
<td>Medical Arts</td>
<td>15 gallons/day/occupant + food service</td>
</tr>
<tr>
<td>Hospitals</td>
<td>225 gallons/day/suite</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>300 gallons/day/bed</td>
</tr>
<tr>
<td>Proprietary Homes</td>
<td>150 gallons/day/bed</td>
</tr>
<tr>
<td>Public Gathering Places</td>
<td>110 gallons/day/bed</td>
</tr>
<tr>
<td>Eating Places</td>
<td>15 gallons/day/occupant</td>
</tr>
<tr>
<td>Bars</td>
<td>30 gallons/day/occupant</td>
</tr>
<tr>
<td>Catering Halls</td>
<td>15 gallons/day/occupant + food service</td>
</tr>
<tr>
<td>Markets and Wet Stores</td>
<td>7.5 gallons/day/occupant</td>
</tr>
<tr>
<td>Delicatessen &amp; Food Processing</td>
<td>0.05 gpd/sq. foot of building floor area</td>
</tr>
<tr>
<td>Dry Stores</td>
<td>0.15 gallons/day/sq. ft. of floor area</td>
</tr>
<tr>
<td>Take Out Eating</td>
<td>0.03 gpd/sq. foot of building floor area</td>
</tr>
<tr>
<td>Churches</td>
<td>0.75 gpd/sq. foot of building floor area</td>
</tr>
<tr>
<td>Bath House</td>
<td>1.5 gallons/day/occupant</td>
</tr>
<tr>
<td>Laundry Facilities</td>
<td>5 gallons/day/occupant</td>
</tr>
<tr>
<td></td>
<td>400 gallons/day/washing machine</td>
</tr>
</tbody>
</table>

Source: Suffolk County Department of Health Services
be obtained and work begun within one year of site plan approval. Extensions may be granted for completion of the project; however, a three year completion period is usually the maximum. Approved site plans must be kept on the site during construction and must be available for inspection by the building inspectors and the public. If work is not in compliance with the plan, a stop work order may be issued. When the construction has been completed, the site is inspected by the building inspector. If the site has not been developed in compliance with the plan, the building inspector may inform the Town Attorney and have the building permit revoked. If the site and structure are in compliance with the plan, the Certificate of Occupancy (C.O.) is issued. If at any time the site is not being utilized in accordance with the plan, the C.O. may then be revoked.

Change of Use

In some municipalities, a change of use, lease or sale of industrial buildings may entail a review process similar to site plan review. The applicant may be required to complete a form similar to the form required by the Town of Brookhaven, (Figure 14) so that the municipality may determine whether a site plan will be required. If a building permit has previously been issued to the applicant, the review agency will notify the building department.

TOWN OF BROOKHAVEN
DEPARTMENT OF PLANNING, ENVIRONMENT & DEVELOPMENT
Patchogue, N.Y.
PLANNING DIVISION

NOTICE OF CHANGE OF USE, LEASE OR SALE

Applicant to submit 2 copies of this form and 2 copies of current survey

APPLICANT

ADDRESS

LANDOWNER

ADDRESS

LOCATION OF SITE: No. _______ NSEW side

Entrance NSEW of______

Village or Hamlet

Suffolk Co. Tax Map No.

PRESENT USE (Specific):

PROPOSED USE (Specific):

Has Applicant secured a Special Permit and/or Variance from the Zoning Board of Appeals? If so, state type and case number.

Do you have Health Dept. approval for Industrial or Sanitary Waste?

1) Will you presently, or at any time in the future, use, manufacture or dispose of any hazardous or toxic materials?

2) Will surface or groundwater resources be utilized in any way other than for normal potable consumption?

3) Will any air or noise emissions occur from this operation?

I HEREBY CERTIFY AND STATE THAT ALL THE ABOVE STATEMENTS AND INFORMATION ARE TRUE.

Worn to before me this day of ___________ 19

Signature of Legally Responsible Person

(Owner or Authorized Agent)

FIGURE 14
Sample Change of Use, Lease or Sale Form

Source: Town of Brookhaven
KEY PROBLEMS

Existing Problems With The Site Plan Review Process

Site plan review has become an important and effective tool for the reconciliation of the environmental protection and development goals of numerous municipalities.

There has been a general increase in awareness of water resource problems. Local agencies (town and village board, planning board and zoning board of appeals) are developing methods to minimize impacts and to coordinate environmental review.

As with any complex process, some problems remain. These problems are present in a few jurisdictions, and occur with sufficient frequency to suggest the need for remedial action. The following discussion is limited to those aspects of the process that lend themselves to further improvement.

Municipal Ordinances — Zoning and Environmental Laws

- Failure to Consider Impacts on Groundwater and Surface Waters as a part of the Site Plan Review Process
  - Many groundwater controls have been delegated to the State and counties. When the development is not subject to SEQRA there is often little or no consideration of groundwater protection, due to the lack of specific mandate in the municipal code.
  - Some of the towns have revised their comprehensive plans to reflect the 208 Waste Treatment Management Plan. However, they have not always undertaken a similar revision of the zoning and other municipal ordinances used as a basis for site plan review. The situation is further complicated by the fact that some zoning maps are not always updated to reflect the revisions. Site plan review agencies may thus rely on outdated information.

- Few municipalities have addressed the minimization of the collective impacts of a number of individual projects, each contributing to the total nonpoint source pollutant loadings to groundwater and surface waters within a small geographic area (See Zoning.) Generally no estimation or evaluation of the collective impacts of numerous individual projects upon groundwater and surface waters is made, because site plan or subdivision proposals affecting the same or adjacent areas are submitted over a number of years. The problem is compounded by a lack of ability to predict with certainty that an individual project will result in a significant impact.
• Inconsistent Application of Controls
  - Undeveloped portions of deep aquifer recharge areas are subject to different controls affecting the density of land use for new residential and commercial development in hydrogeologically comparable locations. Where the higher densities are allowed, the use of on-site disposal systems and the heavy application of fertilizers applied to extensive lawn areas can result in groundwater nitrate concentrations that exceed the nitrate standard.

• Limited Scope and Adequacy of Existing Ordinances
  Some of the problems with the site plan review process can be attributed to the relatively limited delegation of powers to the reviewing agency, pursuant to local ordinances.
  - Traditional zoning of undeveloped deep recharge areas fails to address the critical issue of pollutant loadings to groundwater. The Zoning Enabling Acts implicitly rather than explicitly authorize this use of the police power to protect the health, safety and welfare of the community.
  - In recent years some municipalities have revised their zoning ordinances for the purpose of protecting future water supplies. Others have only limited areas or no areas identified in their zoning ordinances for the recharge of high quality groundwater.
  - Zoning does not necessarily preclude the establishment of activities that can cause groundwater pollution. For instance, residential development is generally strictly controlled through zoning. Although the municipalities prohibit incompatible uses in residential areas, facilities such as religious institutions, schools, hospitals, day camps, libraries, and parks and recreation areas are permitted. These nonresidential uses can have a major impact upon the underlying groundwater.
  - Some environmental ordinances are incomplete or fail to provide for enforcement. Often the fines for violations are so low that developers would rather pay the fine than comply with the ordinance. Offenders are not subject to increased fines or other penalties for repeated violations. Although both the site owner and the developer may have violated the law; in some cases, only one of the two is cited for the violation.
  - Only a few municipalities have ordinances that prohibit or regulate the clearing of land before the site plan has been approved. In a number of instances clearance of road rights-of-way or of the entire site occurs prior to the approval of the site plan or site clearance plan. Wetlands and other sensitive areas are filled or otherwise destroyed at night or on weekends. Court imposed fines are so low that they do not function as a deterrent. The ordinances do not usually require revegetation or restoration of the site to its previous state.
  - There is a lack of site clearance standards, which minimize the percentage of the site that can be cleared and are used to protect natural areas.

• The Lack of Flexibility Sometimes Precludes Environmentally Sensitive Site Planning
  - The prescribed uniformity of zoning setbacks constrains design flexibility, affording the site plan review agency little or no authority to vary setback requirements where appropriate to minimize impacts. In many cases, this results in the maximum lot disturbance since the structure must be placed within a certain distance of the lot boundary line regardless of the site characteristics.
  - In some municipalities, zoning coverage requirements do not take into account site constraints, such as steep slopes.

Zoning Variances
• Deficiencies in Zoning Variance Procedures
  There are several reasons why the Zoning Board of Appeals (ZBA) sometimes grants zoning variances that are in conflict with groundwater or surface water protection needs.
  - Water resource protection criteria for zoning variances are not in general use. The
- Although Section 281, Town Law, gives the town planning boards the authority to mandate clustering, several municipalities with subdividable land have not amended their own subdivision regulations accordingly. The municipalities that have cluster ordinances do not always use them effectively, even when the site of a proposed subdivision is environmentally sensitive.
- Some municipalities may have outdated subdivision design standards that do not afford adequate environmental protection. Many subdivisions are designed merely to maximize the lot yield for a property. The standards may not require a developer to maintain existing topography, vegetation or natural drainage patterns even in sensitive environmental areas. Nor do they address the need to retain the natural vegetation, and limit the size of lawn areas.
- Ordinances are still in effect that require the clearance of 60 foot rights-of-way in all subdivision developments, regardless of site topography, anticipated traffic volume, etc.
- Municipalities do not always notify the County Clerk when a subdivision plat is referred to the County Planning Commission. As a result, an applicant may succeed in filling a plat with the County Clerk prior to the completion of a legally mandated review and final municipal action.

Planning Board Review
- Although town boards, planning boards and zoning board of appeals are generally familiar with most federal, state and county laws that may affect the development of a given site, some projects that do not meet the requirements of these laws have been approved. For example, municipal planning boards have approved commercial subdivisions and industrial development proposals without consideration of Article 12. (See Ordinance Chapter for Article 12.) Development based upon plans approved by the municipality have occasionally resulted in needless significant environmental impacts and the violation of environmental laws.

Timing Problems Related to Site Plan Review Procedures
- In a few cases, planning board review for relatively simple projects that do not require an EIS, takes too long. Lack of coordination and the transfer of information at the beginning of the review period prolongs the project review period.
- Preliminary approval for a subdivision may be granted before all required permits have been obtained and the SEQAR process has been completed.
- The town board, planning board or the zoning board of appeals may act prior to the receipt of recommendations from local conservation advisory boards or citizens advisory committees.

Subdivision Review Process
- Problems Relating to Subdivision Regulations
  - In some municipalities, commercial and industrial subdivisions are merely filed and not reviewed.
  - Currently some towns and villages waive the requirement that an applicant must file a plan for a subdivision of less than five lots, although this practice may constitute a violation of the State Real Property Law.
• Extent of Review Coverage
  - In a few municipalities there is no site plan review for single family homes even when they will be located in deep aquifer recharge areas, the 100-Year Floodplain, or adjacent to surface waters. Among the reasons for this are the failure to recognize environmentally sensitive areas and to utilize readily available information regarding protection of these areas.
  - The complexity of the procedure may result in incomplete subdivision applications or premature approvals.

• Technically Inadequate Review
  - Plans that are poorly designed, incomplete, misleading or do not address unforeseen impacts are sometimes approved.
  - In some instances there may be a failure on the part of the reviewer to recognize deficiencies in the developer’s plans.
  - Plans that are submitted may be misleading. For instance, plans may show extensive areas of natural vegetation to be preserved when a careful inspection of the grading plan reveals that most of the site must be cleared (see Review Personnel Problems).
  - Specific environmental impacts may be overlooked due to the division of responsibilities within the departments and a lack of coordination between the departments. For instance, one department may review stormwater runoff control measures while another department may review erosion control measures. This may result in undesirable site conditions once the plan is implemented. The separation of responsibilities may also lead to inadequate site inspection.

• Lack of Trained Personnel
  - Some of the municipalities’ site plan and subdivision review departments are understaffed. There is a lack of environmentally trained analysts with adequate knowledge and skills to inspect sites, review environmental site conditions, analyze potential environmental impacts and develop and implement mitigation measures required to minimize or prevent undesirable impacts.

• Coordination and Transfer of Information
  - The coordination of the site plan review activities between various levels of government is sometimes unstructured. In these instances, coordination may depend more on the interest and knowledge of the initial reviewer than on any established procedure for the routine exchange of essential information.
  - In-house technical reviewers function in an advisory capacity. Information provided by these reviewers may not be utilized.
  - Sometimes there is a lack of coordination between the various departments and agencies involved in the review process due, in part, to a shortage of review personnel and inspectors.
  - Developers fail to provide complete information on Environmental Assessment Form, in the Environmental Impact Statement, or on the subdivision or site plan submission. The lack of information on the forms can result in the need for permitting agencies to request additional information, and their subsequent receipt of this information in bits and pieces, necessitating the expenditure of additional staff time.

• Incomplete Criteria for Review and Standards
  - There is a lack of environmentally sound specification and performance standards that can be used to achieve municipal or regional groundwater and surface water protection goals.
  - Sometimes a specification standard may be required when a performance standard should have been used. Although in some cases, the use of the former is entirely appropriate; in others, it limits flexibility and precludes recourse to creative environmental solutions.
  - Standards, rules and guidelines are sometimes outdated and do not allow for changes to reflect new information, studies, laws and policies.

• Permits
  - A building permit is usually issued for sites within a subdivision after the final plot is approved by the
planning board (or the town board) and filed with the county clerk. In some cases the permit may be approved without the implementation of mitigating measures prescribed in the site plan.

- **Enforcement of Conditions Established As a Result of Site Plan Review**
  - The Certificate of Occupancy (C.O.) is not presently being adequately used to insure installation of control or mitigation measures identified in the EIS or other findings relating to groundwater or surface water protection. The C.O. is not always being withheld until all items indicated on the site plan have been installed or completed. Permitting agencies do not always check for compliance with the site plan. In some cases, the site owner is allowed to sign a form stating that compliance with the site plan will occur in the future. This is difficult to enforce unless the municipality withholds the C.O. or requires the developer to provide a bond to insure compliance.

- **Easements**
  - Some towns will not release a site plan (give final approval) until a notarized copy of any covenant required by the health department to insure that groundwater protection control measures will be installed, has been obtained from the county. This is not being done consistently in all Long Island municipalities.

- In some cases, conservation easements affecting lands shown on the site plan are not officially recorded; therefore, a legally enforceable covenant to insure that a specific portion of the site will not be subject to future sale or development may not be in affect. If the land is not protected, portions may be sold, possibly for tax arrears and developed in the future.

- **Poor Site Planning**
  - No review, however thorough, can compensate for the short comings of a poorly conceived and executed site plan. Some of the developers and their consultants lack the necessary familiarity with environmental processes and mitigation measures. They also fail to bring in their plans at the early stage of the design process for comment from the municipalities.

Coordination With SEQRA Review Process

The SEQRA review process has improved greatly since its initiation. Many local officials believe that SEQRA is the most valuable tool for addressing impacts not covered by legislation and regulations; however, a number of problems related to State Environmental Quality Review Act (SEQRA) and to site plan review procedures still exist.

Groundwater and surface water impacts can be minimized when site plan review is coordinated with SEQRA. Nonetheless, there have been instances in which the desired results have not been achieved for one or more of the following reasons.

- The site plan review process is not always coordinated with the SEQRA process, even though that is required in the SEQRA law.
- The extent to which municipalities use the Environmental Impact Statement (EIS) as a tool for site planning varies greatly.
- Some public officials in permitting agencies do not understand what is required by SEQRA.
- In some instances there is limited coordinated review between the permitting agencies for a given project.
- Responses from reviewing agencies are not always returned to the lead agency.
- Site plans indicating potential impacts may not be sent to the regional or town environmental departments when they are sent to the highway, traffic, building and engineering departments.
- Some agencies are not interested in scoping (establishing a list of the most important impacts that would result from a given set of environmental conditions and a given site plan) because they do not have the expertise, staff, and time to identify the major impacts.
- There is a tendency to permit the developer's consultant to identify the major impacts and appropriate content of the EIS, thus affecting the ultimate usefulness of the document. The consultant
may underestimate the potential impacts that should be considered and fail to describe recommended mitigation measures. Instead, he/she may produce lengthy pages dealing with vegetation and soils, minor impacts and unnecessary information. If the necessary information is not provided, the review agencies will need extra time to obtain and evaluate the missing information.

- The mitigating factors described in the EIS are sometimes quite limited and in some cases do not address all important aspects of the problem. However, many agencies do consider the mitigating measures carefully and may request that additions or changes be made.
- Some lead agencies may accept an incomplete, inadequate EIS and not ask for corrections.
- Most of the top priority Areas of Critical Environmental Concern that have been identified in various municipal plans or studies are not subject to SEQRA review because they have not been recorded with the NYSDEN in Albany, nor have they been identified in local ordinances. Consequently, there is no legal method to provide the essential additional protection for these areas.
- At the present time, threshold criteria for actions affecting Areas of Critical Environmental Concern are limited or non-existent; therefore, any action, even putting up a fence, may be identified as a Type I action.
- Building Departments do not always review impacts under SEQRA, although they are required to do so.
- Application forms, including Environmental Assessment Forms (EAFs), and site plan review requirements are not used as extensively as they could be to identify and minimize environmental impacts. Very often, the EAF is not complete, contains erroneous information, or important information is withheld. A poorly designed form may allow unlisted actions to appear to have an insignificant impact, therefore improperly eliminating the requirement for an Environmental Impact Statement.
- Many impacts of development and the techniques for minimizing impacts are similar for different sites. A generic EIS produced for the area can set the stage for performance standards and subsequent impact statements. A regional generic EIS is seldom developed or if developed, may not be referenced in an individual EIS.
- Agencies are sometimes beleaguered by non-meritorious law suits.

1A statement used to assess programs, or plans having wide application, a sequence of actions or a number of separate actions within a given geographic area, which if considered singly may have minor effects, but if considered together may have significant effects.
RECOMMENDATIONS

Introduction

The primary purpose of the recommendations section is to identify and recommend needed changes in the site plan review process that will make surface water and groundwater protection an integral part of the process and will provide for improved coordination.

The site plan review process recommendations are concerned with the following legislative and administrative activities and the preparation of site plans as they affect groundwater and surface waters.

- zoning and environmental laws that affect the site plan review process
- zoning changes
- zoning variances
- major subdivision and minor subdivision controls
- SEQRA controls and administration
- other permit review processes
- site plan review process
- site plan preparation

The first part of the chapter presents a series of recommendations for consideration by those municipalities that have not yet adopted site plan review procedures that integrate groundwater and surface water protection. Some of the recommendations can be used as a guide for reducing needlessly lengthy Environmental Impact Statements, by providing a means for limiting the scope or the requirements of the EIS while at the same time making it a more effective tool for the prevention of undesirable environmental impacts.

The last part of the chapter presents an outline and brief description of the essential steps in site plan preparation, and is directed to the site designer rather than to the local official or the general public.
Municipal Ordinances - Zoning and Environmental Laws

- Consider the Expansion of the Existing Legal Authority to Allow for the Consideration of Groundwater Impacts, Including Cumulative Impacts, as a Part of the Site Plan Review Process
  - The municipalities should mandate the consideration of groundwater protection, in the municipal codes. The protection of groundwater should be identified as a reason for the use of the police power to protect the health, safety and welfare of the community.
  - The municipalities should develop consistent regulations to control nitrate loadings from new development. In establishing permissible densities estimated nitrate loadings should be considered. Estimates of the potential nitrate concentrations in the recharge water should include the contribution from on-site disposal systems and the use of fertilizers applied to lawn and landscaped areas. It is recommended that the future nitrate level not exceed 6 mg/l for relatively developed areas and 2 or 3 mg/l for partially developed or undeveloped aquifer recharge areas, or Special Groundwater Protection Areas.
  - The municipalities, in delegating site plan review responsibility pursuant to local ordinances, should provide specific legal authority for the consideration of groundwater and surface water protection as part of the site plan review process.
  - Municipalities that have not revised their comprehensive plans to reflect the 208 Waste Treatment Management Plan guidelines and the recommendations in this handbook pertaining to land use and zoning should do so. All municipalities should revise their zoning and other municipal ordinances to assure consistency with their comprehensive plans, including land use densities for nonsewered and sewered areas and the desired consideration of cumulative impacts upon groundwater.
  - Those municipalities with undeveloped lands located within the deep recharge zones and/or Special Groundwater Protection Areas identified in the Land Use Chapter (Figures 10-13) or locally designated groundwater protection areas should accord special consideration to those areas overlying the best quality (or least contaminated) groundwater.
    - Zoning categories that are compatible with high quality recharge should be identified, and appropriate performance standards provided.
    - Ordinances should be amended where necessary to prohibit commercial, industrial or other types of development that are generally incompatible with groundwater protection.
  - The municipalities should evaluate the process whereby certain uses are not subject to review regardless of zoning district or location.
  - The municipalities should maintain and make available an up-to-date zoning map that depicts all revisions to zoning ordinances.
  - Municipalities that do not have ordinances prohibiting or regulating the clearing of land prior to site plan approval should adopt them in order to prevent the premature clearance of road rights-of-way or of the entire site. The ordinance should mandate both the revegetation or restoration of the site and the imposition of a fine that is sufficiently costly so that it will serve as a deterrent. See the Ordinance Chapter, Ordinance #22 for a site clearance permit ordinance.
• **Provide Flexibility to Allow for Environmentally Sensitive Site Design**
  - Municipalities should amend their zoning ordinances to allow site plan reviewers to modify existing site planning criteria and standards where necessary to facilitate the use of appropriate mitigation measures and to incorporate new information and techniques that can be used for groundwater and surface water protection. The site plan review agency should have the authority to vary setback requirements, where appropriate to minimize impacts in sensitive environmental areas. Zoning coverage requirements should be revised to allow for adjustments related to site limitations posed by natural features, such as buffer zones and steep slopes. See Topographic Slope Map (Figure 17) and Site Analysis Map (Figure 21).

• **Improve the Effectiveness of Existing Environmental Ordinances**
  - Municipalities should amend incomplete environmental ordinances that fail to provide for effective enforcement. If fines for first time violators and repeat offenders are inadequate, they should be increased. Both the site owner and the developer who have violated the law, should be held responsible for the violation.

• **Develop Additional Ordinances As Needed**
  - Site Development Standards
    - The counties and municipalities should develop performance standards (i.e. site clearing, stormwater runoff attributable to a number of individual projects) to minimize collective impacts of the nonpoint source pollutant loadings.
    - The municipalities should include special site development standards for natural areas as part of their zoning or other ordinances. Permissible site clearance should be based upon resource protection requirements, regardless of the zoning category. See Table 13 for recommended guidelines indicating the proportion of the site that may be landscaped and the proportion that should remain in natural vegetation for different zoning districts.

• **Need for Covenants**
  - The municipalities should require applicants for subdivision plat approval or those requesting site plan review for major projects to impose restrictive covenants running with the land in order to assure that needed control measures identified in the site plan will be implemented. The municipalities should take necessary measures to assure that the covenants are enforced. Covenants should be used only where control measures are required to prevent significant impacts that are not otherwise preventable by statute or regulation.

**Zoning Changes**

• The municipalities should recognize potential impacts upon water resources, when considering zoning changes.

• The municipalities should revise their ordinances to require the submission of a site plan and a completed EAF form as part of any application for a zoning change affecting land within a locally designated groundwater protection area.

• The municipalities should require that any applicant for a zoning change affecting property located within a groundwater protection area present evidence that the proposed change will not result in increased groundwater contamination.
TABLE 13
Site Development Guidelines: Percentages of Site to be Landscaped and to Remain in Natural Vegetation

<table>
<thead>
<tr>
<th>District (1)</th>
<th>Current (2) Average</th>
<th>Recommended (3) Maximum</th>
<th>Percentage of Site to Remain in Natural Vegetation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (see Table 18)</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Office Business</td>
<td>25</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Neighborhood Business</td>
<td>20</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Highway Business</td>
<td>15</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Shopping Center Business</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>General Business</td>
<td>10</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Planned Industrial Park</td>
<td>35</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Industry</td>
<td>20</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Institutional</td>
<td>25</td>
<td>15</td>
<td>30</td>
</tr>
</tbody>
</table>

(1) Typical commercial and industrial districts; tailor to meet local zoning and other needs.
(2) These percentages are based on a study J. Laverty & D.M. Flynn conducted in 1981 for the Smithtown Planning Dept. The study included many typical site plans for various uses and zoning districts.
(3) It is recommended that the use of exotic plants, lawns and other plantings that are associated with heavy fertilization be minimized or avoided.
(4) Recommended for undeveloped or partially developed deep recharge zones, Special Groundwater Protection Areas and other areas of critical concern. It is recommended that natural site vegetation remain in these areas or be enhanced with native shrubs and trees.

Zoning Variances and Special Permits

- The Municipalities Should Revise Zoning Variance and Special Permit Procedures to Provide for Groundwater or Surface Water Protection
  - The municipalities should limit the delegation of power to the Zoning Board of Appeals (ZBA) to preclude the granting of zoning variances that are in conflict with groundwater or surface water protection policies. The law should require that the applicant for a variance or a permit account for potential impacts upon water resources.
  - The local planning or environmental departments should advise the board members whether a proposed commercial, industrial, or other development is compatible with groundwater protection needs.
  - The municipalities should institute measures to improve coordination between the ZBA, the planning board and other municipal officials.
  - The ZBA should submit any request for a zoning variance affecting land within a designated groundwater protection area to the municipal planning board for its review and comment.
Subdivision Review Process

- **Major and Minor Subdivision Controls**
  - Municipalities should amend their laws to require the review of commercial and industrial subdivisions.
  - Municipalities that have subdividable land but have not amended their own subdivision regulations should mandate clustering, consistent with Section 281.
  - Municipalities should not waive the requirement that an applicant file a map for a subdivision of less than five lots, since failure to do so may be a violation of the New York State Real Property Law. Maps of all subdivisions must be filed in the County Clerk’s Office.
  - Municipalities with outdated subdivision design standards that do not afford adequate environmental protection should revise their standards. The standards should require that a developer maintain existing topography, vegetation and natural drainage patterns in sensitive environmental areas to the maximum extent possible. Prescribed design standards should address the need to retain the natural vegetation, and limit the size of lawn areas.
  - The municipalities should revise ordinances that require the clearance of 60 foot rights-of-way for secondary residential streets in subdivision developments regardless of site topography and anticipated traffic volume, etc.
  - The municipalities should review site development plans for individual lot development and minor subdivision proposals located in Special Groundwater Protection Areas and other undeveloped, sensitive environmental areas.
  - The municipalities should notify the County Clerk of the referral of any subdivision to the County Planning Commission. This is now required by law.
  - The County Clerk should be authorized to reject the filing of a map subject to County Planning Commission review, if the subdivision has not been referred to the County Planning Commission.

Coordination With the SEQRA Review Process

- **SEQRA Controls and Administration**
  - Municipalities that do not require the initiation of the SEQRA process at the beginning of the site plan review period should revise their procedures.
  - Lead agencies should require a scoping meeting with the applicant and involved agencies to identify the major impacts that would result from proposed projects. A DEIS should be rejected if it does not address the significant environmental issues, the potential range of the project’s impacts, discussion of all reasonable alternatives and mitigation measures.
  - The municipalities should review their Type I action lists and adjust the thresholds for Type I actions to insure increased groundwater and surface water protection. In nonsewered, relatively undeveloped areas, any downzoning that would result in residential densities greater than those recommended in the 208 WMTP should be declared a Type I action.
  - The municipalities should identify and map the most environmentally exceptional or sensitive areas located within their respective jurisdictions. Following public notice and hearings, these areas should be
designated as Critical Areas of Environmental Concern or Critical Environmental Areas, in accordance with SEQRA. Threshold criteria should be developed for these areas, so that only those actions that will result in an adverse impact will be subject to EIS review.
- Municipalities should consider the use of generic impact statements as a tool for the management of a specific area or resource or for addressing the cumulative impacts upon an area. Since the information required for the completion of the individual impact statements includes the identification of areas where significant impacts from development will occur, and the identification of alternatives and mitigating measures, a generic impact statement can serve as a reference. Reference to the generic impact statement could permit the reduction of the number of required items to be addressed in each EIS.
- The municipalities should identify ways to use performance standards, to improve site designs and to shorten the EIS process and to reduce the length of the EIS.
- Any agency issuing a negative declaration pursuant to SEQRA should be required to indicate the basis for that decision. Where necessary, additional criteria should be reviewed in order to develop a defensible decision.
- The municipalities should provide training for permit agency personnel so as to improve the integration of the site plan and SEQRA review process. There is also a clear need to improve the understanding of scoping techniques.

**Plan Conformance with SEQRA**
- Municipalities should require a detailed site plan to reflect any mitigating measures stipulated in the EIS process (findings, etc.) and indicate how they are to be implemented.

**Suggested Procedure for Coordinated Suffolk County Department of Health Services and Municipal Review of a Development Requiring an Article 12 Permit**

**Coordination of Review Procedures**
- Suffolk County municipalities should cooperate with the Department of Health Services in the development and adoption of mutually acceptable review procedures for projects requiring the issuance of a County Health Code, Article 12 permit. The establishment of a coordinated review, including the following steps, should save both time and money for the applicant and the reviewing agencies.

**Suggested Procedure**
- The municipality gives the applicant a preprinted SCDHS project notice for the applicant to complete (along with the municipal application forms for the site clearance and building permit). This will allow the Health Department to be involved in making recommendations early in the site planning process, before many site decisions are made.
- The municipality submits the project notice (post card format) to SCDHS.
- The applicant submits a request to the SCDHS for the Article 12 application forms.
- The applicant submits a preliminary site plan to the municipality and to the SCDHS.
- The applicant receives comments on the site plan from the municipality and the SCDHS.
- The applicant amends the plan to incorporate recommended changes and submits final plans to the municipality and the SCDHS for approval.
- The SCDHS grants plan approval (or denial).
- The local planning board or municipal board grants approval, approval subject to modifications or disapproval.
- The applicant obtains a SCDHS permit. The permit to construct is valid for one year.
- The municipality issues site clearance and building permits.
- The SCDHS schedules site inspections during various phases of the construction process.
- The SCDHS grants final approval upon project completion and final inspection.
- The municipality inspects the site and issues a certificate of occupancy or a permit to operate.

Importance of the Site Plan

- There is a need for well conceived site plans that facilitate the development of a desired type and intensity of use compatible with the protection of natural resources including natural vegetation, surface waters and groundwater.
- A licensed landscape architect should prepare and sign the site plan indicating the type of planting, land forms and passive stormwater drainage systems.
- Some municipalities may require that the site plan meet a set of performance standards specified in the municipal ordinance. In the case of any variance from a required standard, the plan should contain a statement indicating how the site planner has met the intent of that standard and describing measures designed to mitigate potential adverse effects of the proposed variance.

Site Plan and Subdivision Review Process

- Development of the Site Plan
  The development of site plan comprises a series of separate but related activities. (See Site Plan Preparation). These can be categorized as
    1) Site selection
    2) Data collection
    3) Site analysis
    4) Design development (conceptual plan, schematic plan, preliminary conference, plan revision, preliminary plan)
    5) Submission of preliminary plan to the municipality and other agencies, as required
    6) Revision and refinement of the preliminary plan
    7) Submission of final plan

The component of each stage will vary with the magnitude of the project and sensitivity and complexity of the site. Not all of the items discussed in connection with each stage of the process will be relevant in every case.
• *Preliminary Conference*

The municipality or other reviewing agency should provide the applicant with appropriate information concerning municipal plans, policies and site plan submission requirements during the preliminary conference. In order to minimize escalating development costs, the municipalities should provide detailed guidelines to the developer, at the time of initial contact. The municipality may wish to provide access to the following site related information, where applicable.

- Existing land use plan
- Existing zoning
- Existing road pattern
- Future plans for roads within the immediate area
- Other construction or reconstruction plans
- Aerial photographs of the site and surrounding area
- A map showing the location of critical environmental areas, groundwater management districts, aquifer recharge areas, and critical shallow recharge areas
- Depth to groundwater (See Figure 15)
- The location of the 100 year flood plain
- Lists of endangered or protected flora and fauna
- Zones of archeological sensitivity
- Historic sites
- Wetlands
- Any other possible constraints to site development (provide a checklist of environmental factors)
- Applicable performance standards
- Site development guidelines
- Information required for the preliminary application

• *Prepare an Environmental Assessment Form*

The applicant should bring a completed environmental assessment form to the preliminary conference:

- The Environmental Assessment Form shown in Figure 27 or a form with equivalent information should be used for proposed site plans and subdivisions. The municipality may also require an EAF for zoning variances, special permits, and proposed change of zoning. If the EAF is not completed it should be rejected.

• *Comply with Performance Standards*

The municipalities should require that, to the greatest extent practical, subdivision and site plans be designed to meet the following performance standards:

- The natural functioning of the site, including the absorptive, purifying and retentive functions in existence before clearance and construction, shall be maintained to the greatest extent possible.
- The post-construction volume and rate of runoff leaving the site shall not exceed the calculated volume and rate of runoff of natural or predevelopment conditions for any storm of any intensity up to and including the 25 year frequency, unless the use of control measures will significantly impact the natural topography or vegetation.
- Artificial watercourses shall be designed so that the velocity of flow will not cause erosion and will provide natural habitats wherever possible.
- Where retention or detention ponds are used to control the increased and accelerated runoff resulting from site development, the release of water from the ponds into streams shall be at a rate and in a manner approximating the natural flow prior to development.
- Any new direct discharge of stormwater into surface waters, freshwaters or tidal wetlands shall be prohibited.
- The volume and rate of stormwater discharged from the site that is in excess of the volume and rate of stormwater leaving the site under natural or predevelopment conditions shall not exceed the capacity of existing in-place stormwater sewer systems for any storm of any intensity up to and including the 100 year frequency.
- Existing natural vegetation (trees and shrubs, and related vegetation) except that within the permitted clearance limits (see Table 13) shall be conserved and otherwise protected. (See Fertilizer Chapter)
- Any construction related clearing of trees and shrubs not in accordance with an approved landscape plan shall be prohibited.
- Tree and other natural vegetation removal for construction, affecting sites in Critical Areas of Environmental Concern, or that would result in the destruction of rare or endangered species, or located on slopes greater than 25%, within 100 feet of the top of a bluff or within 50 feet of the shoreline shall be permitted only if the proposed activity does not cause significant degradation of the resource.
- Vegetation on slopes greater than 35% shall not be disturbed.
- Soils exposed by site preparation shall remain so for the shortest practical period of time during site clearing, construction and restoration and shall be protected during construction and restoration.
- Upon completion of construction, all soils on the property shall be stabilized with trees, shrubs and groundcover that are suitable for the site and purpose of the planting.
- Erosion, sedimentation and stormwater runoff shall be controlled prior to, during, and after site preparation and construction.
- The site erosion and sedimentation control measures shall be appropriate for the existing topography, vegetation, and other natural features of the site. The plan shall indicate how these features will be preserved.

**Article 12 Guidelines**
- Any applicant requiring an Article 12 permit should consult the SCDHS for detailed information. Appendix Figures 1-7 can serve as preliminary guidance for developing a permit application pursuant to Article 12.
- Appendix Figures 1, 2, and 3 provide guidance for the installation of underground storage tanks; Figure 4 for a recommended installation for a typical drum storage area; Figure 5 for multiple underground storage tanks; Figure 6 for a recommended installation of a small above ground storage tank and Figure 7, for a large above ground storage tank. All proposed storage tanks will be subject to the SCDHS review.

**Preliminary Site Plan Submission**
- The site designer should submit the following:
  - Site plan that includes the municipalities’ recommendations from preliminary conference
  - The requirements provided in the municipal, county and state standards and guidelines
(The plan should contain as much information as possible in order to facilitate review. See discussion of plan preparation procedures and plan content).

- A completed environmental assessment form with the appropriate applicable categories completed (see EAP preparation)
  The proposed mitigation measures.

- **Final Site Plan Submission**
  - The site designer should submit the final site plan in accordance with municipal, county and state requirements. See also Prepare Final Site Plan.

- **Plan Review**
  - Municipal reviewers should evaluate the development plan in relation to the policies and standards expressed in the revised comprehensive land use plans and in zoning ordinances that identify groundwater and surface water protection measures.
  - All reviewers should include consideration of Special Groundwater Protection Areas, lands within the 100-year flood plain, Coastal Erosion Districts, Historic Districts, Special Surface Water Protection Areas or Critical Environmental Areas subject to SEQRA when evaluating the probable impacts or constraints affecting the proposed development.

- **Compliance**
  - The municipalities should require that all development, construction, excavation and landscaping proposals be in accordance with the approved stormwater runoff, planting and erosion-sedimentation control standards and the requirements of any municipal ordinance pertaining to the site.
  - The municipality should require an engineering report on wastewater disposal prior to the issuance of the site clearance permit and/or building permit. A SPDES engineering report may be used if one is prepared.
• Public Hearing
  - Before a public hearing occurs, the permitting or lead agency should receive comments from all other permitting agencies. All pertinent information on the site should be presented.

• Permits
  - The planning board should withhold approval of the proposed plan, until the SEQRA process is completed.
  - The building department should require submission of evidence indicating compliance with health and environmental laws before issuing site clearance and construction permits.
  - The municipalities should prohibit any clearing or removal of vegetation, development, construction or excavation prior to the issuance of a building permit.
  - The municipalities should require vegetation removal permits for any site clearance activity (tree cutting or vegetation clearance) regulated by the municipal ordinance.

• Certificate of Occupancy
  - The municipality should withhold the certificate of occupancy until all items indicated on the site plan have been installed or completed and any required covenants have been duly filed. In lieu of withholding a C.O., the permitting agency may require a bond to insure compliance.
  - The municipality should require stabilization of disturbed areas during and immediately after construction. The certificate of occupancy should not be issued until all land areas on site are permanently stabilized.
  - Where an industrial wastewater discharge will occur, the municipality should use the certificate of occupancy to assure compliance with SPDES. A C.O. should not be issued until the municipality has received a letter from the NYSDEC stating that SPDES requirements have been met.
- The municipalities or the counties should require any industry handling toxic or hazardous materials to post a bond and/or obtain non-sudden liability insurance prior to the issuance of a certificate of occupancy. This will insure that monies will be available for clean-up if a substantial groundwater impact occurs.

- **Removal of Sedimentation Required**
  - The municipality should require the developer to remove any construction-related sediment deposited on public roads within twenty four hours after deposition. If the developer or the owner fails to remove the sediment, he/she should be subject to a fine plus payment to cover the cost to the municipality for the cleaning of roads and storm sewer systems.

**Site Plan Preparation**

- **Site Selection**
  - See Table 14 for Site Selection Factors

- **Data Collection**
  - The site designer should compile an inventory of on-site factors as a basis for site design. Essential site data may be obtained from NYSDOT topographic maps, natural resource maps, soil surveys, well data, aerial photographs and on-site inspection and engineering surveys. Information should be sufficient to describe both artificial elements and natural resources.

  - **Artificial elements**
    - Legal and physical boundaries, private holdings, and public easements
    - Buildings, bridges and other structures, including those of historical and archaeological significance
    - Roads, walks and other transportation ways
    - Electric lines, gas mains and other utilities
    - Land uses: agriculture, industrial, recreation, etc.
    - Applicable ordinances, such as zoning regulations and health codes, covenants, conservation easements and rights of way
    - Contiguous land uses, including type and impact
    - Direction and distance to community services, hospitals, shopping and public transportation route and stops.

  - **Natural resources**
    - The site designer should prepare a natural resource inventory map or maps, incorporating the natural resource information shown in Figures 16-20, as appropriate.

- **Prepare Inventory Maps**
  - The site designer should map or note water bodies, indicating permanence, fluctuations, NYSDEC surface waters classifications, and also flood prone areas.
  - The site designer should compile, but not necessarily map, information concerning

  - **Subsurface materials**
    - Characteristics of the underlying subsoils
    - The existence of commercially or functionally valuable material such as sand and gravel, and water
# Table 14

## Site Selection Factors

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Zoning</th>
<th>Soil Fertility</th>
<th>Soil Constraints</th>
<th>Depth to Ground-Water Problems</th>
<th>Availability of Water</th>
<th>Flood Prone Area</th>
<th>Dune Bluff Beaches</th>
<th>Steep Slopes</th>
<th>Near Wetlands or Surface Waters</th>
<th>Presence of Utilities</th>
<th>Available Transportation</th>
<th>Community Services</th>
<th>Community Facilities</th>
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FIGURE 18  Approximate Depth to the Water Table
Groundwater
- Availability of a potable water supply
- Groundwater quality and quantity (well data)
- Direction of groundwater flow (check with the local health departments)

Natural forces *
- Macroclimate
  - Temperature (air and water), especially day, night, and seasonal norms, extremes and their durations
  - The angles of the sun at various seasons and times of the day
  - Sun pockets, such as may be found in forest clearings; frost pockets that occur in low places
  - Prevailing wind directions and intensities as they occur daily and seasonally, location of existing wind screens
  - Precipitation: rain, snow, and sleet seasons and accumulations; storm frequencies and intensities
- Microclimate characteristics or changes from the norm, (as experienced in some locations)

Perceptual characteristics *
- Views into and from the site
- Significant land features
- Spatial patterns
- Lines, forms, textures, colors and scales that give the site its unique character
- Smells and sounds and their sources

*Inventory Off-Site Factors*
- The designer should also compile an inventory of relevant off-site factors, including information about the artificial, natural, and perceptual elements of the properties that surround or otherwise affect the site. These might include both existing and anticipated off-site
  - Land use patterns
  - Stream and drainage sources
  - Sights, smells, and sounds
  - Aesthetic character of the neighborhood
  - Public utility locations and capacities
  - Transportation ways and systems
  - Known or potential sources of groundwater contamination: landfills, demolition and debris disposal sites, and others

*Prepare Site Analysis Map*
The term analysis in this case means drawing conclusions from the data gathered during the site investigation. The site analysis should identify the character, structure, and potential of the site.
- The site designer should use the site data collected in the inventory phase to determine significant site characteristics, opportunities and constraints, and the compatibility of the site with the development requirements.

- The site designer should prepare a site analysis map. Important information gathered and mapped during the data collection process should be summarized and indicated on the site analysis map. All information similar to that shown on Figures 16-20 should be transferred to the Site Analysis Map. Specific conclusions regarding the following items should be noted on the map.*
  - Relationship of the site to surrounding streams, drainageways, or other bodies of water.
  - Vulnerability of these drainageways and surface waters and all off-site areas to erosion and sediment damage.
  - Location of areas where soils, topography, and vegetation characteristics combine to create critically erodible areas.
  - Locations where stormwater runoff crosses the site boundaries.
  - Options for disposing of stormwater runoff, including locations for sediment control structures.
  - Options for preventing construction related runoff and erosion.
  - Location of areas most suitable for development.
  - Location of areas not suitable for development.

Figure 21 provides an example of a site analysis map. Use of conclusions noted in the analysis to guide conceptual plan preparation can be expected to result in a plan that responds to site conditions and minimizes undesirable impacts. A plan developed in this way will reflect site conditions as well as considerations of function, economics, engineering feasibility, and aesthetics. The analysis should be done on a topographic map at a scale no larger than 1 inch = 100 feet. The map should cover not only the site but also surrounding areas that may influence site uses and design.

* Program Development

The site planner should also prepare a written program statement for the project. This statement should cover the type, intensity and timing of proposed site based activities and should provide sufficient detail to permit the identification of water supply, water quality, air quality, noise and other impacts. Site development needs or program items may suggest not only what information must be collected, but also what is inconsequential. In a complementary fashion, an analysis of site data may result in the identification of necessary program modifications.

The site planner should consider the relationship of program and site characteristics in assessing the impacts of development on different site areas. After an assessment has been made, plan changes can be developed so that the disturbance of vulnerable or critical areas can be minimized.

* Prepare a Conceptual Plan

For large scale development, development proposed for sensitive environmental areas or groundwater protection areas, the site designer should prepare both a conceptual plan and a schematic site plan before proceeding to the development of the preliminary site plan. The conceptual plan should indicate the general spaces allocated for building masses and circulation; preliminary grading (general character, mounds and berms, special grading problems); general stormwater plan (direction of

stormwater flow and general location of recharge areas); parking; open
space; planting (existing vegetation to remain and a general planting con-
cept); utilities (major trunk lines and connecting points to existing
utilities) and special facilities. The conceptual plan should indicate those
areas that are to be preserved, and techniques to minimize impacts upon
terrestrial and water resources. The plan should be prepared on a
topographic base map at a scale no larger than 1 inch = 100 feet. See
Figure 22.

- Prepare Schematic Site Plan *
  - The site designer should develop a schematic site plan after careful
  study of the conceptual plan. The schematic plan should depict, at a more
  precise scale, the configuration of structures, and the specific arrangement
  of the units; the relationship of structure(s) to site characteristics; the
  limit of site grading; site circulation, including general road alignment,
types of paving, setbacks, screening (also type of screening), parking,
lighting, natural areas, conservation easements, and recreation areas
should be worked out in this phase. This plan should be produced at a
scale of 1 inch = 50 feet where practicable. In addition to the required
plan, sections, sketches, and study models should be made to convey the
intent of the proposal. The schematic site plan should indicate

  Structures
  - Location, shape, size, arrangements, and groupings
  Circulation
  - Road width and alignment
  - Location of pedestrian routes
  - Road and pedestrian route materials
  Natural areas and conservation easements
  Site grading
  - General grading character, proposed contours, site sections and
  edge of disturbance
  - Berms and mounds
  Utilities
  - General major utility layout and connections (This can be done as
  an overlay).

  Recreation Areas
  - Location
  - Type of facilities
  Parking
  - Location, material, number of spaces, and parking ratio
  Planting
  - General character
  - Screening concepts, planting relationship to units, open space, and
  so on (sections or sketches)

  Lighting
  - Location
  - Type

See Figure 23 for a schematic plan for a condominium and Figure 24 for
a commercial plan.

with permission of McGraw-Hill Book Company, New York as cited in DeChiara, J. and L.
- **Prepare Site Key Map and Preliminary Site Plan**

  The site designer should prepare the site key map and preliminary site plan in accordance with the requirements of the permitting agencies.

  - The municipalities should require a preliminary site development plan for zoning changes, variances or special permits that affect major sites in locally designated groundwater protection areas.

  - **Site Key Map**

    The key map should indicate the existence of any of the following items located within 1,000 feet of the site boundary:
    - Roads
    - Land Uses
    - Utilities
    - Stormwater drainage patterns
    - Stormwater storage and recharge
    - Surface waters
    - Historic, cultural, archaeological sites
    - Scenic views
    - Easements, right of ways
    - Public well fields
    - Sources of potential groundwater or surface water contamination, such as junk yards, landfills, industrial storage tanks and drums, salt storage piles, etc. A list of potential sources should be appended to the map.

    See Figure 25 for a sample site key map.

  - **Preliminary Site Plan**

    The plan should be a detailed version of the schematic plan. It should include all elements of the site, with necessary drawings and details to convey the intent. The preliminary plan should be prepared at a scale of not less than 1 inch = 50 feet and should address the following items.

    See Figure 26.

  The preliminary site plan should include the following information:

  - **General Information**
    - North arrow and scale
    - Proposed name of development
    - Post office address of development
    - School and fire districts
    - Name and address of applicant
    - Name, address, license number and seal of the professional engineer, landscape architect, or land surveyor who prepared the drawings

  - **Existing Conditions**
    - Location and description of property boundaries
    - Total land area of site
    - Total acreage of entire tract and of each zoning district within each tract
    - Existing natural and man-made features on and within five hundred feet of the site boundary including roads, structures, water sources, utilities
    - Estimated minimum depth of the groundwater table, test boring information obtained at the lowest portion of the site, and the location of the major point of stormwater discharge
Sample Legend for Figure 24

- Topography including existing contours with intervals of not more than five (5) feet where the slope is ten percent or greater and not more than two (2) feet where the slope is less than ten percent (10%), and spot elevations
- Description of the natural drainage system. Direction, flow, rate and volume of stormwater runoff under existing conditions
- Soil characteristics, utilize Soil Conservation District soil survey where available
- Location of wooded areas and other vegetation
- Location of the 100 year floodplain
- Location and description of surface waters, freshwater and tidal wetlands

Proposed Conditions
- Area of site to be modified
  - Approximate edge of grading and clearing disturbance
- Site Construction
  - Structure, location to exact scale, gross floor area of existing and proposed structures, floor elevations
  - Area designated for parking, area and layout needed to conform to code
  - Actual spaces needed for proposed use, type of paving
  - Roads, proposed alignment, road profile showing tentative dimensions: grades, elevations and datum used, type of paving
- Preliminary grading plan
  - Slope ratio of artificial slopes, spot grades, proposed berms, mounds, depressions, retaining walls
FIGURE 26a  Preliminary Site Plan (Existing Conditions)
- Utilities
  - Private water supply well and private wells located on adjacent properties
  - On-site private water supply well if applicable
  - Method and location of sanitary waste treatment and disposal system
  - Electrical, gas, water utility lines
- Stormwater control measures
  - Storm inlets, catch basins, fire hydrants, manholes, size of piping and grade elevations
- Open Space, Conservation Easements and Recreation Areas
  - Open space areas, conservation easements or special use areas
  - Play areas and equipment
  - Other facilities
- Landscaping (separate drawing) (See Fertilizer Chapter)
  - Type and location of plant material
  - Natural and landscaped area
  - Areas to receive seed or sod
  - Plant list, showing quantity, size, and rootball specification
- Lighting
  - Parking areas, walkways, stairs, lighting of plant materials, etc.

*Prepare Final Site Plan*

The plan should meet municipal, county and state performance standards and all other specifications. The applicant should submit a site plan drawn to an engineering scale, between the range (10 feet to 100 feet to the inch), showing the following:

- Site Plan Requirements - Existing Conditions
  - See Preliminary site plan requirements

- Site Plan Requirements - Proposed Conditions
  - In addition to the municipal requirements, the plan should include:
  - All proposed excavation, filling, and grading identified as to the depth, volume, and nature of the materials involved.
  - Final contours of the site at intervals of no greater than two (2) feet for areas to be disturbed during construction
  - All areas requiring clearing, identified as to the nature of vegetation affected and the specific site area to be cleared.
  - All areas where topsoil is to be removed and stockpiled and where topsoil is to be ultimately placed.
  - All temporary and permanent vegetation to be placed on the site, identified as to planting type, size, and extent, including extent of lawn areas.
  - All temporary and permanent erosion and sediment control measures including soil stabilization techniques.
  - The anticipated pattern of surface drainage during periods of peak runoff, following completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system, location of all roads, driveways, sidewalks, structures, utilities, and other improvements.
  - Anticipated resultant changes in the volume and rate of stormwater runoff (based upon a given year storm, preferably a 25 year storm), to be determined by the municipality at various locations on the site.
The description of the proposed stormwater drainage system including
- The location of stormwater control measures, including ponds, recharge and sediment basins (identified as to the type of facility, the materials from which it is to be constructed and the dimensions), the design volume, rate, flow path, detention and retention of stormwater on site.
- The amount and rate of stormwater runoff, if any, that will be discharged from the site
- The location and description of erosion and sedimentation control measures
- Any covenants, and or other restrictions affecting the property
- A schedule of the sequence of installation of planned soil erosion and sediment and runoff control measures as related to the progress of the project, including anticipated starting and completion dates.
- The proposed mitigation measures identified in the EIS and other findings, including sections and smaller scale drawings where necessary
- Type, location and capacity of sanitary sewage treatment system
- Type, location and size of on-site water supply
- Sources, connection and piping for public water supply
- Source and connection for electrical supply (and gas supply)
- Lighting system, type of fixtures, cone of illumination.

See Figure 5 for a sample final site plan.
All applicants must complete Sections 1 through 10. The municipality will instruct applicants to complete additional sections for major nonresidential projects.

ENVIRONMENTAL ASSESSMENT FORM*

1. GENERAL INFORMATION

New Use
Change of Use
Re-Use
Extension of Existing Use

Name of Business or Site
Location of Site: Street, side of Street, distance to intersection, post office

Tax Map Location: District, section, block, lot

Name of Applicant
Address of Applicant
Applicant's Interest in the Site
Owner of Fee Title to Land
Owner of Land ( ) Under Contract to Purchase ( )

Address:
Address:
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2. ZONING

Is a Zoning Change Variance and/or Special Exception Required? ______ If yes, provide the information requested below.

Town Board
Planning Board
Board of Zoning Appeals

Case No
Name of Applicant

Has a Variance and/or Special Exception Previously Been Applied for this Site

Town Board
Planning Board
Board of Zoning Appeals

Case No
Name of Applicant

Decision
Date of Decision

Does This Action Require a Change of Zone? ______ If Yes Has Application Been Made? ______
Name of Applicant

3. LAND USE

Adjacent Land Use: North ______ South ______
East ______ West ______

FOR INTERNAL USE ONLY

Department
Planning Dept.
CAC Review
ZBA Review
Environmental Engineering
Highway
County
NYSDEC

EAF
Sent To
Name of Reviewer
Date

FIGURE 27
Sample Environmental Assessment Form (EAF)*

*Form Adapted from the Town of Smithtown EAF

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4. DESCRIPTION OF PROJECT

Total Land Area of Site ___________________________ Sq. Ft.
Existing Use of Site ____________________________ Proposed Use of Site ____________________________

Percent of Site Coverage by Building(s) __________ Existing % Proposed %

Existing Proposed
Gross Floor Area of Existing Structure(s) Sq. Ft. or Acres Sq. Ft. or Acres
Gross Floor Area of Proposed Structure(s) ____________________________ ____________________________
Area of Paved Land ____________________________ ____________________________
Area of Permeable Paving ____________________________ ____________________________
Area of Site Landscaped ____________________________ ____________________________
Area of Site in Lawn ____________________________ ____________________________
Area of Site in Natural State ____________________________ ____________________________
Area of Site in Natural State ____________________________ ____________________________

Number of Residents ____________________________ No. of Employees ____________________________
No. of Customers or Visitors Per Day ____________________________ ____________________________
Area of Outdoor Storage and Display of Materials and/or Products ____________________________ ____________________________
Expected Duration of Proposed Use ____________________________ Weeks/Months/Years ____________________________
Estimated Cost of Construction $ ____________________________ ____________________________
Expected Duration of Construction ____________________________ Weeks/Months ____________________________

5. TOPOGRAPHY AND GEOLOGY

Existing Slopes on Site (See Soil Survey)

0-1% ____________________________ 1-8% ____________________________ 8-15% ____________________________ 15% or more ____________________________ 25% or more ____________________________

Are any of the following Geologic Features on or Near the Site?

Kettle Hole ____________________________ Esker ____________________________ Erratic Boulder ____________________________

Area to be Regraded: ____________________________ Sq. Ft. ____________________________
Cubic Yards of Cut ____________________________ ____________________________
Cubic yards of Fill ____________________________ ____________________________
Greatest Depth of Excavation or Cut? ____________________________ Ft. ____________________________
Greatest Depth of Fill? ____________________________ Ft. ____________________________
Maximum Artificial Slopes After Construction: ____________________________ 2:1 (Not Recommended) 3:1 5:1 10:1

Briefly Describe Method(s) to Reduce Erosion During and After Construction ____________________________
Will Retaining Walls Be Used? ____________________________

6. GEOGRAPHIC LOCATION

Project is within Coastal Zone ____________________________
Is Plan consistent with Coastal Zone Management Plan? If not, state reason ____________________________

7. HYDROLOGY

Hydrogeologic Zone: Zone I ____________________________ Zone II ____________________________ Zone III ____________________________ Zone IV ____________________________ Zone V ____________________________ Zone VI ____________________________ Zone VII ____________________________ Zone VIII ____________________________ Uncertain ____________________________

Are There Wetlands (as defined by NYSDEC) on the Site? ____________________________ (Defined by Municipality)
Is There Surface Water on the Site? ____________________________ Or Within 200 Ft. of the Site ____________________________ Within 1000 Ft. of the Site ____________________________

Briefly Describe Methods Used to Prevent Pollution to Nearby Surface Water ____________________________

During or After Construction, Will the Project Alter the Banks of a Water Body? ____________________________

Will the Project Result in Stream Channel Modifications? ____________________________
Percentage of Site Within Flood Hazard Zone: A3 ____________________________ VS ____________________________ B ____________________________ C (No Flood Hazard) ____________________________
Volume of Stormwater Runoff for a 25 Year Storm ____________________________ Rainfall Intensity ____________________________ Cu. Ft. ____________________________
Percent of Runoff Maintained On Site ____________________________
Method of Handling Runoff: Leaching Pools ____________________________ Off-Site Recharge Basin ____________________________ On-Site Recharge Basin ____________________________ Other Describe ____________________________
Will There Be a Discharge to Surface Water? Why?
Depth to Groundwater: Minimum Recorded Existent Ft. Existent Elevation of Groundwater USGS Datum
Will Excavations Require Dewatering?

If Industry, Briefly Describe Industrial Process and/or Product

Volume of Water Required By Project: __________ GPD.

Source of Water Supply (Shown on Plan or Key Map): Municipal On Site

If On-Site, Indicate Depth of Well(s) _______ _______ Ft.

Volume of Sanitary Waste: _______ Gallons Per Day

Sanitary Waste Treatment: On Site Septic System Municipal Treatment Plant* Modified subsurface Sewage Disposal System* Community Sewage Disposal System*

Location of Treatment System: Show on development plan

Level of Treatment: Primary Secondary Other Denitrification

Other Point Source Discharges

Will SPDES Permits Be Required? _____ If Yes, What For?

List Other Type(s) of Waste:

List Toxic or Hazardous Materials Used On Site

Storage Tanks: Capacity _______ Gal: Type of Liquid

Location: _______ Above Ground _______ Underground

3. SOILS (See Nassau and Suffolk Soil Surveys)

Soil Association(s)

Soil Types(s) Identified in Soil Survey

Minimum Depth to Seasonal High Water __________ Ft. Source of Information

Erosion Hazard: Slight Moderate to Severe Slight to Moderate Moderate Not Rated

Soil Limitations on Development for:

Homesites: Slight Moderate Severe

Streets and Parking Lots: Slight Moderate Severe

Lawns and Landscaping: Slight Moderate Severe

Playgrounds: Slight Moderate Severe

Camping areas: Slight Moderate Severe

3. VEGETATION

Existing Cover Beach, Dune or Escarpment Pasture or Cropland

Tidal wetland

Freshwater Wetland Old Field

Oak Forest

Pine/Oak Forest Brush

Rare or Endangered Species, State, Federal or Municipal Lists

If Yes, Show Location on Plan

Area of Existing Vegetation to be Removed __________ Sq. Ft.

Area of Vegetation to Be Replaced __________ Sq. Ft.

Briefly Describe

75
10. WILDLIFE

Do any Rare, Endangered Wildlife Species Use the Site for Nesting, Feeding, Breeding, Etc.? __________

Show Location

Are any Rare, Unique, Protected, Endangered or Significant Species of Wildlife Known to Visit Within 200 Ft. of the Site? __________ If Yes, Briefly Describe __________

11. AIR

What Type of Stationary Emissions are Proposed? __________ None __________ Residential __________ Industrial

How Will Vehicle Emission Sources Be Increased? __________ None __________ 0-100 Trips/Day __________ 100-1000 Trips/Day __________ 1000+ Trips/Day

Describe Any Odors That May Be Produced

Will the Odors Be Perceptible Outside Any Building? __________ Off the Site? __________

Describe the Duration of the Odors That May Be Produced __________

Noise:

Describe the Noise That May Be Produced During Construction __________

Will the Noise be Perceptible Off the Site After Construction? __________ If Yes, Briefly Describe __________

12. CULTURAL RESOURCES

Is the Site In or Within 500 Ft. of an Historic Area, Site or District? (Federal, State, or Local Lists) __________ If Yes, Briefly Explain __________

Are any Historic Buildings or Structures (Federal, State) on or Within 500 Ft. of the Site? __________ If Yes, Briefly Describe __________

Will the Project Require the Removal or Modification of an Historic Structure or Building? __________

If Yes, Briefly Describe __________

Are any Parks, Parkways, or Public Lands Within 500 Ft. of the Site? If Yes, Briefly Describe __________

Briefly Describe How This Project Will Be Suffered From Nearby Historic Sites, Areas, Districts or Buildings Parks, Parkways or Public Lands, and Surrounding Incompatible Land Uses __________

Are Any Archeological Resources on the Site? __________ If Yes, Briefly Describe __________

13. BOAT YARDS, DOCKS, MARINAS

Capacity of Marina __________
Capacity of docks and floats __________
Description of "sewage pump out facilities" __________
Description of fueling facilities and fuel storage tanks __________
Description of fuel spill prevention measures and equipment __________ running feet __________ site dimensions

14. HOUSEBOAT MARINA

Description of land based sewage treatment facility __________
Description of land based water and electrical supply __________
15. VISUAL IMPACT

Is the Site Within One Half Mile of or Visible from any of the Following?

- Marine Waters
- River System
- Stream
- Lake
- Highway
- Any State or County or Municipal Parkland

What is the Visibility of the Project?

- Virtually Unseen to the Public
- Visible from Nearby Residential area
- Visible from Minor Roads
- Visible from Certain High Points
- Visible from State and/or County Highways, Major Town Roads, LIRR Right-of-Way
- or any Surface Water.

How Much Will the Color of the Project Contrast With its Setting?

- Colors Blend In (Dark, or 'Eartheness' w/Flat Finish)
- Colors are Glosy
- Colors Stand Out (E.g., White, Yellow, Orange, Pink, Purple, Etc.)

How Much Will the Project Form (Shape) Contrast With the Setting?

- Form is Similar to Existing Natural or Historic Features
- Form is Similar to Other Structures in the Area
- Form is Unusual or Significantly Different (E.g., Radar Dish)

How Much Will the Scale (Size) of the Project Contrast With its Setting?

- Smaller Than Most Structures
- Similar Scale to Most Other Structures
- Larger Than Most Other Structures or Higher than 30 Ft.

Will the Project Cause Clutter onto Adjacent Highways or Property? ___________________________________________ If Yes, Briefly Describe

Will Project Have Signs ___________________________________________ If yes, Briefly Describe

Will Project Have Lighting ___________________________________________ If yes, Briefly Describe

What Measures Will be Taken to Reduce the Visual Impact of the Project?

- Evergreen Buffer Strip
- Other Landscaping
- Screen Around Parking Areas
- Setback Project from Property Line
- Attractive Architecture and Materials
- Signs
- Lightings

16. MUNICIPAL IMPACT

Property Tax Assessment

Present ____________________________ Estimated Proposed ____________________________

Number of Children Estimated to Enter School System

New Lane-Miles of Street

Will Any Capital Projects Be Required to Support the Project? If Yes, Briefly Explain

Total Land Area to be Removed from Tax Assessment Rolls ____________________________ Sq. Ft.

Number of Business Relocations Required ____________________________ Area ____________________________ Sq. Ft.

Number of Residence Unit Relocations Required

Will the Project Induce or Inhibit Normal Population Growth in the Vicinity? If Yes, Briefly Explain

Does the Project Conflict With Comprehensive Plan of Municipality, County or any Other Plans, Policies, Programs or Projects of the Town, County or State, or Any Incorporated Villages? If Yes, Briefly Discuss
The municipalities should add the questions listed in the following table to the EAP form to facilitate assessment of the impact of the proposed project upon groundwater.

<table>
<thead>
<tr>
<th>PROJECT EVALUATION</th>
<th>Yes</th>
<th>If Yes, Answer Questions Below</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project result in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increased Water Consumption</td>
<td>Yes</td>
<td>Gal. per day</td>
<td></td>
</tr>
<tr>
<td>Increased Point Source Loadings to Groundwater</td>
<td>Yes</td>
<td>Type and quantity</td>
<td></td>
</tr>
<tr>
<td>Increased Nonpoint Source Loadings to Groundwater or Surface Waters</td>
<td>Yes</td>
<td>Type and quantity</td>
<td></td>
</tr>
<tr>
<td>Reduction in Groundwater recharge</td>
<td>Yes</td>
<td>Gal. per day and inches per year</td>
<td></td>
</tr>
<tr>
<td>Lawn Area</td>
<td>Yes</td>
<td>square footage or number of acres</td>
<td></td>
</tr>
<tr>
<td>Area of Other Landscaping</td>
<td>Yes</td>
<td>Type of buffer</td>
<td></td>
</tr>
<tr>
<td>Reduction in Wetland Acreage or Stream Flow Occurs</td>
<td>Yes</td>
<td>Square footage</td>
<td></td>
</tr>
<tr>
<td>Acres</td>
<td>No</td>
<td>Cubic ft/sec</td>
<td></td>
</tr>
</tbody>
</table>
ZBA Review Appeal Procedures

The Zoning Board of Appeal procedures are stipulated by state enabling legislation (Town Law, Section 267.2, also Village and City law) contained in local ordinances, set out in the board’s own rules, and contained in the case law handed down by the courts. The state enabling legislation provides that the board of appeals shall hear and decide all matters referred to it upon which it is required to pass under the terms of the zoning ordinance or local law. General zoning board of appeals procedures, from the first request to the last appeal are described as follows:

- The appeal may be brought by a person (the property owner, lessee, or option holder) aggrieved by the refusal of the building inspector or designated administrative officer to approve an action, or by a person aggrieved because another person’s proposal was approved.
- The request is usually made by the completion and filing of appeal forms as required by local procedures, and should include the specific reason for the appeal.
- The inspector will then forward his files on the matter to the zoning board for its information.
- The board of appeals may simply accept the appeal or decide that a hearing is needed to determine that the person appealing is truly aggrieved. A determination that a person is not aggrieved may only be made after a hearing. The time within which an appeal must be made is decided by each board and should be specified in the rules of the zoning board (usually thirty days). The proposed action upon which the appeal is based may not proceed during the appeal period, unless the building inspector certifies that a stay would imperil life or property.
- Upon acceptance of an appeal, the board must formally fix a reasonable time for a hearing (often 60 days) in order to gather facts to be used as a basis for a decision.
- For cities and towns, a written decision must be announced within sixty days after the final hearing (villages have sixty-two days). The decision should include the findings of the board and the facts upon which they are based. Since the courts have only this record to rely upon, the findings must be carefully documented.
APPENDIX FIGURE 1
Underground Storage Tank (____ Gals.)
With above the water table installation

APPENDIX FIGURE 2
Underground Storage Tank (____ Gals.)
With installation below the water table

Note: All piping to be 4" Schedule 40 pvc

OBSERVATION WELLS
4" Schedule 40 pvc factory slotted test well pipe, 0.010" slots, with 5' cable length. WELLS TO BE DRIVEN MINIMUM OF 2' BELOW BOTTOM ON TANK MINIMUM OF 5' INTO GROUNDWATER TABLE

HIGH GROUNDWATER OR DEWATERING SYSTEMS
Minimum 4 (four) observation wells with installation of continuous liner around sides of tank hole - maximum of 8' of liner to be overlapped minimum of 2' joined by welding ends with proper welding tool.

Waterproof caps capable of being sealed
Concrete knockout section (Optional)
-8" reinforced concrete slab
Manway - Allow entry into the Tank extension to grade (Optional)
Fitting 2'-0"
Impact plates or strip under each fitting opening
Spacing and fill to be in accordance to manufacturer specifications

Groundwater Table

Observation Wells: 4" Perforated pvc pipe - driven wells - at least 2' below the bottom of the tank - at least 5' into the groundwater

Fiberglass Storage Tank

G. D. Min.

1/2" Min.
APPENDIX FIGURE 3
Underground Storage Tank with Sump

FIBERGLASS SHEETS  FRONT  VIEW

MINIMUM 26° OVERHANG

CHAIN LINK FENCE

CONCRETE CURB

GRADE

8" CONCRETE SLAB

(2) 2" x 6" BOLTED THROUGH POST

2'-6" MINIMUM OVERHANG

CONCRETE CURB

GRADE

NOTE: CONCRETE SLAB, CURB, AND RAMP TO BE FINISHED WITH A CHEMICALLY RESISTANT COATING

APPENDIX FIGURE 4
Typical Drum Storage Area

SIDE  VIEW

6" CONCRETE SLAB
APPENDIX FIGURE 5
Multiple Tank Installation Detail
APPENDIX FIGURE 6
Above Ground Storage Tank Installation

APPENDIX FIGURE 7
Large Above Ground Storage Tanks with Dike and Impervious Barrier Between Pike Wall and Tank Shell
APPENDIX FIGURE 3
Sample Industrial Underground Storage Facility
Please complete this questionnaire as part of the application process for permit(s) for new or modified project(s).

The purpose of this questionnaire is to assist in determining what, if any, Nassau County Department of Health or State Department of Environmental Conservation permits or approvals may be required before starting work on a proposed project.

If you are not sure if the action proposed is a regulated activity, call the County Bureau of Land Resources Management at 516-224-1234. If you are not sure if your project is subject to tidal or freshwater wetlands, contact the State Regional Assessment Evaluation Unit at 516-731-7900.

A conference with our staff to obtain guidance in the permit application review process is strongly recommended prior to your submitting your application.

**Answer All Questions**

Name of Applicant/Representative: ________________________________

Address: ______________________________________________________

Telephone No.: ________________________________________________

Project Description & Location: __________________________________

1. Realty Subdivision and/or SEQES Permit

   **Does this project involve:**

   a) A proposed or existing discharge of 1,000 gallons per day of sewage or any discharge of industrial or other wastes to groundwaters? ______________________

   b) Any discharge of sewage, industrial, or other wastes to surface water? ______________________

   c) Any disposal of stormwater containing sewage, industrial, or other wastes? ______________________

   d) Any storage and/or disposal of potentially toxic or hazardous wastes? ______________________

   e) Any industrial wastes stored and/or removed from the premises for disposal elsewhere? ______________________

2. Mining Permit

   **Does project involve the mining and commercial sale or off-site use of 1,000 or more tons of mineral within 12 calendar months (excepting excavation or grading in connection with on-site construction or farming)?**

3. Long Island Well Permit

   a) **Does project involve the construction of a new well or deepening or increasing the capacity of an existing well to withdraw water at a rate greater than 45 gallons per minute?**

   b) **Will project require the temporary lowering of groundwater levels for construction purposes?**

4. Protection of Waters

   a) **Will project change, modify or otherwise disturb the course, channel or bed of any stream classified C(1) or higher?** (Consult the Regional Environmental Assessment Unit at 516-731-7900 for classifications)

   b) **Is project involves the temporary or permanent artificial obstruction of a natural stream or watercourse?**

   c) **Does project involve the construction or repair of a permanent dock, pier or wharf having a top surface area more than 200 square feet?**

   d) **Does project involve any excavation or placing of fill in the navigable waters of the State and adjacent wetlands?**

5. Tidal Wetlands Permit

   a) **Will project be located in tidal waters or within 300 feet of either the landward edge of a tidal wetland boundary or a tidal body of water?**

   b) **Will there be any subdivision of land or physical alterations of land or water?**

   **Exemptions to the above regulated locations if:**

   * Project will be located at a ground elevation of 10 feet or higher above mean sea level (excepting on the face of a bluff or cliff).

   * A substantial, man-made structure (such as a paved street or bulkhead) 100 feet or longer exists between the project site and tidal wetlands or tidal water. (Consult D.E.C. Regional Environmental Assessment Unit at 516-731-7900 if unsure).

6. Freshwater Wetlands Permit

   a) **Will project area be within, or within 100 feet of, a freshwater wetland or freshwater body of 12.4 acres or larger?**

   b) **Will project involve draining, dredging, filling, excavating, erecting structures, roads, utilities or other alterations or placing any form of pollution in a wetland?** (Consult the Regional Environmental Assessment Unit at 516-731-7900 if unsure).
3. Contamination Permit
   a) New or Modified Source:
      Does project involve construction, modification, or
      operation of a boiler greater than 300,000 BTU/hr-
      rated heat input; an incinerator; or an industrial
      process or tank storage (commercial or industrial)
      of organic solvents, chemicals, or petroleum
      products?
   b) Indirect Source:
      Does project involve construction or
      modification of a highway, airport, or a
      parking facility with 250 or more spaces?

4. Solid Waste Management
   a) Will the project employ any facility
      beyond the initial solid waste collection
      process (i.e. disposal, resource recovery)?
   b) Will any hazardous waste be generated by
      the facility?
   c) Will the project involve the transfer, storage,
      incineration, and processing facilities for
      solid wastes generated at locations other than
      at the project site?

5. Water Supply Permit
   Does project involve the acquisition of land or
   construction of facilities for water supply or
   distribution purposes?

10. Section 401 - Water Quality Certification Letter
    Does project or activity require a Federal Permit or
    License? If so, this State certification may be
    required prior to Federal approval.

11. List any additional required permits that have been applied for:
    Type of Permit  Application No.  Application Filing Date  Applicant's Name (If different from
    Permit  or Approval  Governmental Agency  Status  application now being submitted).

12. List all other permits, licenses or approvals required by other agencies of
    government:
    Type of Permit  or Approval  Governmental Agency  Status

I certify that the above information is correct to the best of my knowledge.

(date)    (signature of applicant)

APPENDIX FIGURE 9
Sample Project Permit Requirement Questionnaire

Source: N.C. Dept. of Health