

**§ 260-72. Revocation of permit.**

A use authorized by special use permit may be revoked by the Planning Board if it is found and determined after notice and a public hearing, held in a manner as provided for by law, that there has been a failure to comply with any of the terms, conditions, or requirements imposed by said special use permit.

**§ 260-73. Relief from decisions.**

Any person or persons jointly or severally aggrieved by any decision of the Planning Board under this article may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as provided therein within 30 days after the filing of the Planning Board's decision in the office of the Town Clerk.

ARTICLE VII  
Site Plan Review and Approval

**§ 260-74. When required.**

- A. Prior to the issuance of a building permit or a certificate of occupancy or use in any district, except for a one-family or two-family dwelling and related accessory or general agricultural uses permitted by right, the Zoning Enforcement Officer shall require the preparation of a site plan. The site plan may be a sketch plan but shall contain all the items listed in § 260-76A below necessary to reasonably depict what is being proposed. The Zoning Enforcement Officer shall refer the site plan to the Planning Board for its review and approval in accordance with § 274-a of the Town Law and the standards and procedures more particularly set forth in this article of this chapter. Excluded are interior changes which may require a building permit but, in the opinion of the Zoning Enforcement Officer, neither change the use nor make the use more intensive.
- B. Site plans shall not be required for the change of use or occupancy of an existing building, or portion of a building, to another use permitted in the same zoning district upon a determination by the Zoning Enforcement Officer that: **[Added 10-11-2011 by L.L. No. 6-2011; amended 7-3-2013 by L.L. No. 1-2013]**
  - (1) The number of parking spaces required under § 260-30 shall not be increased.
  - (2) The number of vehicle trips generated during the p.m. peak hour, based on the most recent edition of Trip Generation Manual, published by the Institute of Transportation Engineers, shall not be increased.
  - (3) The number of gallons of water used daily, based on New York State Department of Environmental Conservation (NYSDEC) for Wastewater Treatment Works, 1988, Table 3 - Expected Hydraulic Loading Rates, shall not be increased.
  - (4) There shall be no alteration of existing parking layout, driveways, landscaping or other site features.

C. Excluded from site plan review are Town of Woodstock municipal uses, provided that:  
[Added 7-3-2013 by L.L. No. 1-2013]

- (1) The function and intensity of the proposed use is comparable to similar uses permitted in the district;
- (2) The proposed structure or land use complies with the applicable provisions of Article IV, Area and Bulk Regulations, and Article V, Supplemental Regulations, contained in this chapter;
- (3) No reasonable alternative location is available in a less-restrictive zoning district and in which the municipality has a legal or equitable interest;
- (4) The proposed use serves a legitimate government interest;
- (5) An alternative method for the public and interested parties to be heard is available and has been provided.

§ 260-75. Sketch plan conference.

- A. A sketch plan conference between the Planning Board and the applicant shall be held to discuss the applicability of the site plan review and approval procedure to the intended development for which the building or use permit is sought.
- B. The Planning Board shall make its determination based upon review of the project's scope and the basic land use and site design concept, as shown by the applicant on a sketch plan drawn to scale and depicting all the items listed in § 260-76A below necessary to illustrate what is being proposed. The sketch plan shall also be accompanied by written documentation describing at a reasonable level of detail what is proposed.
- C. At the sketch plan conference, the Planning Board shall take one of three actions:
  - (1) Determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this article, with such determination restricted to applications involving the establishment of permitted uses within existing complying structures or the limited modification of existing conforming uses and complying structures, wherein no substantial site improvements and no building additions are either required or proposed;
  - (2) Determine that the project does require full review under this article, based upon its scope and/or land use, site and building design characteristics, and advise the applicant of preliminary site plan submission requirements in accordance with § 260-76 below; or
  - (3) Require additional sketch plan information from the applicant prior to making a determination regarding the extent to which the site plan review and approval procedure shall be applicable to the intended action.



**§ 260-76. Application for preliminary site plan approval.**

An application for preliminary site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference. The Planning Board may require that the site plan be certified by a licensed design professional. The applicant may request waivers of any information required in the site plan checklist, and the Planning Board may grant or deny such waivers.

**A. Preliminary site plan checklist:**

- (1) Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing;
- (2) Key map or area map oriented to the nearest street or road intersection showing the parcel under consideration for site plan review, its zoning district classification, and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof;
- (3) North arrow, map scale and date;
- (4) Boundaries of the property plotted to scale based upon actual survey or similarly accurate data;
- (5) Existing watercourses;
- (6) Grading and drainage plan showing existing and proposed contours at an appropriate interval, as specified by the Planning Board at the sketch plan conference, with two-foot contours and soils data required on that portion of any site proposed for development where general site grades exceed 5% or where there may be susceptibility to erosion, flooding or ponding;
- (7) Location, proposed use and height of all buildings;
- (8) Location, design and construction materials of all parking and loading areas, with access and egress drives thereto;

Site Plan Review  
continued →

- (9) Provision for pedestrian access;
- (10) Location of outdoor storage, if any;
- (11) Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, stormwater treatment facilities, bioretention areas, retaining walls and fences;
- (12) Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
- (13) Description of the method of securing water supply and the location, design and construction materials of such facilities;
- (14) Location of fire and other emergency zones, including the location of fire hydrants;
- (15) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- (16) Location, size, design and construction materials of all proposed signage;
- (17) Location and proposed development of all buffer areas, including indication of existing trees and other vegetative cover;
- (18) Location and design of all outdoor lighting fixtures and facilities, including data regarding lighting levels both within the site and at the site's boundaries, fixture mounting heights and glare control options for each lighting source. Illuminance may be plotted using manufacturer's photometric charts or the Planning Board may require iso-footcandle specifications. The lighting plan must be in conformance with § 260-29C of this chapter;
- (19) Designation of the amount of building area proposed for retail sales, office use or similar commercial activity, including, where applicable, the type and number of seats provided, so that the adequacy of parking and other factors may be reviewed;
- (20) General landscaping plan and detailed planting schedule;
- (21) Building elevations describing the design and construction materials of both the principal structure and all accessory structures and related site elements;
- (22) Each site plan submitted to the Planning Board for signature shall contain a statement in form and substance satisfactory to the Planning Board that has been signed by all the applicants stating that they will comply with all conditions shown on the site plan;
- (23) All revisions that are made to a preliminary site plan shall be listed and dated on the site plan; and
- (24) Any other element integral to the proposed development, as considered necessary by the Planning Board, including the identification of any state or county permits required for the project's execution.



- B. Tabular summary required. In addition to the data specified above, all preliminary site plans shall include a tabular summary relating the site plan to the specific dimensional requirements of this chapter, including the following:
- (1) Lot area in square feet;
  - (2) Building area in square feet;
  - (3) Calculation of structure coverage and open space in square feet and as a percentage of lot area;
  - (4) Indication of all front, rear and side yard setbacks to the principal structure and to all accessory structures and other site elements; and
  - (5) Compliance with parking requirements.
- C. Required fee. An application for preliminary site plan review and approval shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.
- D. An application for preliminary site plan review and approval shall be accompanied by a list of all contiguous landowners.

**§ 260-77. Planning Board review of preliminary site plan.**

The Planning Board's review of a preliminary site plan shall include, as appropriate, but not be limited to, the following:

A. General considerations:

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls;
- (2) Adequacy and arrangement of pedestrian and bicycle traffic access and circulation, including separation of pedestrian from vehicular traffic, and overall pedestrian convenience and safety;
- (3) Location, arrangement, appearance and sufficiency of off-street parking and loading;
- (4) Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage;
- (5) Adequacy of stormwater treatment and drainage facilities in maintaining pre- and post-development runoff rates, treating pollutants, recharging groundwater and/or correcting existing or potential ponding, flooding and/or erosion problems;
- (6) Adequacy of water supply and sewage disposal facilities;

- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping which constitute a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
  - (8) Creation or preservation of open spaces;
  - (9) Protection of adjacent properties from noise, glare, unsightly conditions, or other objectionable features, as described in § 260-29 of this chapter;
  - (10) Adequacy of fire lanes and other emergency zones and the overall sufficiency of the site to be protected by police, fire and other emergency services; and
  - (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- B. Consultant review. In its review of a preliminary site plan, the Planning Board shall consult with the Zoning Enforcement Officer. The Planning Board may further seek the advice of the Fire Inspector, the Woodstock Environmental Commission (WEC), the Superintendent of Highways, the Commission for Civic Design (CCD), other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation (DOT) and the New York State Department of Environmental Conservation (DEC).
- C. Public hearing. A public hearing on an application for site plan review shall be scheduled and conducted by the Planning Board within 62 days of the date of the Planning Board meeting at which, pursuant to SEQRA, a negative declaration has been adopted or a draft environmental impact statement (DEIS) has been accepted as being sufficient to commence the public comment period. The public hearing shall be advertised in the official Town newspaper or newspapers of general circulation in the Town, as designated by the Town Board, at least five days prior to the public hearing. A copy of said public notice shall be mailed to the applicant and all contiguous property owners by the Planning Board at least 10 days before the opening of the public hearing. [Amended 11-18-2008 by L.L. No. 2-2008]
- D. Required referral. Prior to taking action on the preliminary site plan, the Planning Board shall refer the site plan, when applicable, to the Ulster County Planning Board for advisory review and a report in accordance with § 239-m of the General Municipal Law.
- E. Additional requirements. The Planning Board may require such additional provisions and conditions that appear necessary to protect and advance the public health, safety and welfare, as well as the enhancement of the general environment. Where public assembly activities are to be conducted in a residential district, the Planning Board may require compliance with the standards set forth in § 260-62I and J of this chapter.
- F. Notice to adjacent municipality. When an application for site plan approval involves property that is within 500 feet of an adjacent municipality, as defined in § 239-nn of the General Municipal Law, the Planning Board shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least 10 days prior to any hearing. [Amended 11-18-2008 by L.L. No. 2-2008]



**§ 260-78. Planning Board action on preliminary site plan.**

- A. Within 62 days of the completion of a public hearing, the Planning Board shall act on the preliminary site plan. The Planning Board shall send a written statement to the applicant stating whether the preliminary site plan is approved, disapproved, or approved with conditions or modifications. A copy of the appropriate Planning Board minutes shall be considered a sufficient statement. [Added 11-18-2008 by L.L. No. 2-2008]
- B. The Planning Board's decision may include conditions to be incorporated in the final site plan. Conformance with said conditions shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's decision shall contain specific reasons for such action. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised.

**§ 260-79. Procedure for final site plan approval.**

- A. After receiving approval, with or without modification, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months have elapsed since the time of the Planning Board's action on the preliminary site plan, or if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. In this event, a second public hearing may be conducted.
- B. The final detailed site plan shall conform substantially to the approved preliminary site plan. It should incorporate any revisions or other modifications that may have been recommended by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- C. The following additional information shall accompany the application for final detailed site plan approval:
- (1) Record of application for, and approval status of, all necessary permits from federal, state and county officials and agencies;
  - (2) Detailed sizing and final material specification of all required site improvements; and
  - (3) An estimated project construction schedule.
  - (4) A performance guarantee. [Added 11-6-2012 by L.L. No. 4-2012]

**§ 260-80. Planning Board action on final site plan. [Amended 11-18-2008 by L.L. No. 2-2008]**

Within 62 days of receipt of the complete application for final site plan approval, the Planning Board shall render a decision. If deemed advisable, the Planning Board may again seek consultant review at this stage in the review process.

- A. Upon approval of the final site plan and payment by the applicant of all fees, performance guarantees and reimbursable costs payable to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Zoning Enforcement Officer. The Planning Board shall also notify the Zoning Enforcement Officer in writing of any conditions of approval not on the site plan. The Zoning Enforcement Officer may then issue a building permit or certificate of occupancy or use if the project conforms to all these and other applicable requirements. [Amended 7-3-2013 by L.L. No. 1-2013]
- B. Upon disapproval of a final site plan, the Planning Board shall so inform the applicant and the Zoning Enforcement Officer in writing of its decision and its reason(s) for disapproval. The Zoning Enforcement Officer shall deny a building permit or certificate of occupancy or use to the applicant.

#### § 260-81. Reimbursable costs.

Reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in § 260-76C above. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for site plan review. The amount so determined by the Planning Board shall be deposited by the applicant in escrow with the Town Clerk prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, then the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this provision, the Planning Board, at its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any site plan approval be made until all such sums have been paid in full.

#### § 260-82. Performance guarantee.

No certificate of occupancy shall be issued until all improvements shown on the final site plan are installed to the satisfaction of the Zoning Enforcement Officer or a sufficient performance guarantee has been provided for improvements not yet completed. Such performance guarantee, which shall be in the form of either a bond or an escrow deposit, shall be posted in accordance with § 274-a, Subdivision 7 of the Town Law. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Town Attorney, the Zoning Enforcement Officer, other local officials, or its designated consultants.



**§ 260-83. Inspection of improvements; issuance of certificate of occupancy. [Amended 7-3-2013 by L.L. No. 1-2013]**

- A. The Zoning Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Town's private consultants and other local officials and agencies, as may be appropriate, on multifamily residential, commercial and light industrial projects.
- B. Prior to the issuance of a certificate of occupancy, an "as-built" plan, if required, showing the installed and completed improvements and certified by a licensed professional engineer, shall be submitted to the Building Inspector. Copies of the as-built plan may be forwarded to the Planning Board for review. The Building Inspector shall not issue a certificate of occupancy until all improvements shown on the final site plan have been installed and completed in accordance with the final site plan. The Building Inspector may issue a temporary certificate of occupancy, provided that a performance guarantee sufficient to cover the cost of any outstanding site improvements has been posted in accordance with § 274-a, Subdivision 7, and § 277, Subdivision 9, of the Town Law.

**§ 260-84. Integration of procedures.**

Whenever the particular circumstances of a proposed development require compliance with another procedure in this chapter, the requirements of the Town's Land Subdivision Regulations,<sup>20</sup> or the requirements of the New York State Environmental Quality Review Act (SEQRA), the Planning Board may integrate, if it deems appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance. Such integration of procedures may require, upon mutual consent of the Planning Board and the applicant, reasonable modification of the time requirements otherwise stated in this article. This section shall not apply to a Type 1 action under SEQRA which requires an environmental impact statement (EIS).

**§ 260-85. Proposed amendments to approved site plan.**

Any proposed amendments to a previously approved site plan shall require Planning Board review and approval. A letter of request, describing at a reasonable level of detail what is being modified, along with an updated site plan depicting all proposed amendments, may be submitted to the Zoning Enforcement Officer within 90 calendar days of the original site plan approval. The Zoning Enforcement Officer shall then forward the letter and plans to the Planning Board. The Planning Board shall then determine whether the proposed amendments may be reviewed without full compliance with the procedural requirements of this article or whether compliance is necessary. This determination shall be based on the scope of the proposed amendments. Amendments proposed after the ninety-calendar-day period shall comply with the requirements of this article.

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20. Editor's Note: See Ch. 202, Subdivision of Land.

**§ 260-86. Expiration of site plan approval.**

A site plan approval shall expire if the building permit is not requested within 12 months of the date of approval or if a certificate of occupancy is not obtained within 24 months from the date of approval. An extension of the site plan approval may be granted by a majority vote of the Planning Board.

**§ 260-87. Relief from decisions.**

Any person or persons jointly or severally aggrieved by any decision of the Planning Board under this article may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated, as therein provided, within 30 days after the filing of the Planning Board's decision in the office of the Town Clerk.

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**ARTICLE VIII****Planned Residential Development (PRD) District****§ 260-88. Intent and objectives.**

- A. The planned residential development (hereinafter "PRD") procedure provides a flexible land use and design regulation through the use of performance criteria to encourage the development by either the private or public sector of low- and moderate-income housing within the Town of Woodstock. For purposes of this PRD District procedure, the Town Board shall interpret the upper limit of moderate income to be 120% of the median income for the Town of Woodstock or Ulster County, as established by the Department of Housing and Urban Development (HUD) or its successor agency, whichever amount shall be greater.
- B. The conventional use, area, bulk and density provisions set forth by other sections of this chapter are replaced through application of the planned development procedure by the approved PRD District plan, which becomes the basis legislatively established by the Town Board for the detailed design, review and control of subsequent development within the PRD District. While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the Town of Woodstock Comprehensive Plan, municipal service capability, and the purposes of this chapter, as specified in § 260-4, shall ensure the general welfare through equal treatment under law, as well as precise control of all aspects of the development as approved.

**§ 260-89. Criteria.**

The legislative determination to establish a Planned Residential Development (PRD) District shall be strictly based upon the following criteria:

- A. Location. A PRD District may only be created through rezoning of lands in the R5, R3, R1.5 or HR District.
- B. Development area. The minimum development area required to qualify for rezoning to a PRD District shall be two contiguous acres. The calculation of such land area shall not include existing streets, easements, parks or otherwise dedicated land or water areas in excess of 5% of the minimum gross acreage, nor include lands undevelopable by reason of topography, drainage, periodic inundation by floodwaters, or adverse subsurface.