

## TOWN OF NORTH CASTLE

### Local Law No. 3 for the Year 2012 Adopted June 13, 2012

A local law to Amend Section 213-34 of the Town of North Castle Town Code to include provisions that permit the Building Inspector to issue minor site plan amendment approvals.

**Section 1.** Amend Section 213-34 of the Town Code to state the following:

§ 213-34. Approval required. No building permit shall be issued, and no structure or use shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of this chapter, except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure. Where the Building Inspector finds that a change of use or occupancy will not require an increase in the number of off-street parking or loading spaces, as required by Article IX, beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the previous use, site plan approval requirements may be waived by said Board. However, an applicant, upon the submission of all required forms and the payment of the required fee may request that the Building Inspector review a minor proposal for the categories identified in Section 213-34.1 provided that the minor amendment does not include a change of use or principal building enlargement, will not substantially intensify the use or substantially modify the site with respect to generation of traffic, pedestrian movement, parking needs, noise, glare, exposure to hazard from fire or flood, utilization of water supply, sanitary sewer, drainage or other utility system and will not in any other way have a substantial impact upon the character or environment of the surrounding area. Unless such request is made, minor proposals shall follow the requirements for a regular site plan. If the Building Inspector determines that the proposal is consistent with the general purpose and intent of this chapter, site development plan approval for a minor proposal may be issued by the Building Inspector. At any time prior to the issuance of the minor site development plan approval, the Building Inspector or the applicant may request review by the Planning Board, which shall follow the procedures for a regular site plan.

#### § 213-34.1 Minor Site Plan Amendment Categories.

- a. Construction/modification of site lighting
- b. Planting/modification site planting/screening
- c. Construction/modification of fencing
- d. Construction/modification of garbage enclosures
- e. Restriping of parking spaces
- f. Relocation of handicap parking spaces
- g. Adjustment to curbing

- h. Construction/modification of sidewalks and walkways
- i. Construction/modification of generators
- j. Construction/modification of propane tanks
- k. Construction/modification of external refrigerators
- l. Construction/modification of transformers
- m. Construction/modification of bollards

**Section 2.** Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 3.** Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 4.** Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.