

A LOCAL LAW to amend Chapter 209,  
Site Plan Review, of the Code of the  
Village of Rye Brook

**BE IT ENACTED** by the Board of Trustees of the Village of Rye Brook as follows:

**Section 1:** Chapter 209, Section 1 of the Code of the Village of Rye Brook, entitled “Review and approval required”, is amended to read as follows:

§ 209-1. Review and approval required.

A. Designation of approval authority for site plan review.

- (1) Where any provision of this chapter requires site plan approval, in those instances where such approval is sought on a parcel of four acres or more, in connection with an application for a special use permit, or for any commercial use on a parcel of less than four acres where the Board of Trustees has superseded the Planning Board's final approval authority by declaring itself to be the approval authority as outlined in § 209-1(A)(2) below, the Board of Trustees is designated as the approval authority, as such term is defined in Chapter 250, Zoning, of the Code of the Village of Rye Brook, and is hereby authorized to review and approve, approve with modifications or disapprove site plans. No building permit shall be issued, no structure or use shall be established, no use shall be changed to another use and no existing grades shall be altered nor impervious surface placed, without prior conformity with the site plan approval procedures set forth in this chapter. In all instances where the Board of Trustees is the approval authority, the site plan application shall be referred to the Planning Board for review and recommendation thereon.
- (2) Where any provision of this chapter requires site plan approval, in those instances where such approval is sought on a parcel of less than four acres or in all other instances where the Board of Trustees is not the approval authority, the Planning Board is designated as the approval authority and is hereby authorized to review and approve, approve with modifications or disapprove site plans. However, where site plan approval is sought for any commercial use of a parcel of less than four acres, the Planning Board is hereby required to send written notification of the site plan application to the Board of Trustees within 15 business days of its receipt of the site plan application. Thereafter, the Board of Trustees shall render a determination as to whether the Board of Trustees intends to supersede the Planning Board's final approval authority by designating itself as the approval authority with respect to said application. No building permit shall be issued, no structure or use shall be established, no use shall be changed to another use and no existing grades shall be altered nor impervious surface placed, without prior conformity with the site plan approval procedures set forth in this chapter.

B. Prior to the issuance of a building permit or any other required permits or approvals, a site plan shall be submitted for review and approval by the designated approval authority for the following land use activities:

- (1) Any new construction or teardown, as such terms are defined in § 250-2 of the Zoning Code, of any building, including one- and two-family dwellings
- (2) Additions, exterior alterations, or major expansions performed to an existing building which result in an increase of 50% or more of the gross floor area of the existing building.
- (3) Any change(s) of use from residential to nonresidential or vice versa or a change in an existing use that will affect the characteristics of the site in terms of traffic, access, parking, loading, circulation, hours of operation, drainage, utilities, lighting, security or other Village services. This provision shall not apply to Tier I home occupations.
- (4) All proposed subdivisions of land.
- (5) Activities requiring certain permits.
  - (a) Any activity that will require the following permits:
    - [1] A site development permit in accordance with the requirements of Chapter 118, entitled "Erosion and Sediment Control," of the Code of the Village of Rye Brook; or
    - [2] A flood damage prevention development permit in accordance with the requirements of Chapter 130, entitled "Flood Damage Prevention," of the Code of the Village of Rye Brook; or
    - [3] A steep slopes permit in accordance with the requirements of Chapter 213, entitled "Steep Slope Protection," of the Code of the Village of Rye Brook; or
    - [4] A permit to perform regulated activities in a wetland in accordance with the requirements of Chapter 245, entitled "Wetlands and Watercourses," of the Code of the Village of Rye Brook.
  - (b) This provision shall not apply to administrative permits issued by the Village Engineer.
- (6) Any activity that will require a special use permit, in accordance with the requirements of Chapter 250, entitled "Zoning," of the Code of the Village of Rye Brook.
- (7) All permitted uses or additions to, alterations to or major expansions of existing permitted uses within the Scenic Roads Overlay District.
- (8) Any amendment of a previously approved site development plan on a nonresidential property.
- (9) Any amendment of a previously approved site plan on a residential property, other than minor modifications as set forth in § 209-1(D) of this chapter, which previously approved site plan either does not yet have a certificate of occupancy or the amendment thereof is within one (1) year of issuance of such certificate of occupancy.
- ~~(9)~~ Any disturbance of land that would result in a change of elevation greater than one
- (10) foot across an area of 300 square feet or more or a change in the slope of the lot greater than 10% and is within the front yard or within 15 feet of the rear or side

property lines.

~~(11) Multiple applications for additions, exterior alterations, or major expansions performed on an existing building applied for within two (2) years of a building permit, if the cumulative effect of the applications would have triggered site plan review pursuant to sections (1) through (10) set forth herein.~~

C. At the discretion of the Building Inspector or Village Engineer, upon review of material submitted in connection with any permit application, the following types of activities may also be subject to site plan review:

- (1) Any activity that will require a demolition permit in accordance with the requirements of Chapter 107, entitled "Demolition of Buildings and Structures," of the Code of the Village of Rye Brook.
- (2) Any activity that will require a blasting permit in accordance with the requirements of Chapter 87, entitled "Blasting and Explosives," of the Code of the Village of Rye Brook.
- (3) All accessory uses, additions to or alterations to or major expansions of existing accessory uses within the Scenic Roads Overlay District.

D. Minor Modifications. During construction, the Village Building Inspector or Village Engineer may authorize, upon the written request of the applicant, minor changes to the approved site plan. Such minor modifications shall be consistent with the design and intent of the approved site plan. The architect or engineer of record shall submit the approved change(s) on a set of "as-built" plans, which plans shall be maintained in the permanent file of the Building Department.

~~E. Material changes. Where unforeseen conditions are encountered which require any material change to an approved site development plan or where the developer wishes to modify the approved plan for other reasons, an amended site plan shall be filed with the approval authority for review and approval in accordance with the same procedures required for initial applications.~~

**Section 2:** This local law shall take effect immediately upon filing with the Office of the Secretary of State.