

§ 105-129. Planned unit development.

A. Purpose.

- (1) Provision is made here for Planned Unit Development Districts to permit establishment of areas in which one use or diverse uses may be created together, containing both individual building sites and common properties, in a compatible and unified development. In adopting this section, the Town Board declares its intent to encourage innovations in development and the most efficient use of land by enabling greater flexibility in siting, design and type of structures permitted under certain circumstances in the Town.
- (2) In order to carry out the intent of this section, a planned unit development shall strive to achieve the following objectives:
 - (a) More usable open space, preserve lands and/or recreational areas shall be created.
 - (b) Trees, topography, water resources and outstanding natural features shall be preserved where possible.
 - (c) Land shall be used efficiently so that an economical network of utilities and streets shall be provided.

B. General requirements.

- (1) Area minimum. The minimum area of a parcel to be considered for a Planned Unit Development District shall not be less than 15 acres.
- (2) Permitted uses. Uses within an area designated as a Planned Unit Development District are to be determined by the provisions of this section, as well as any conditions that may be imposed as part of the approval of any actual planned unit development project. Any type of use is permitted within a planned unit development subject to the approval process specified herein.
- (3) Location of a planned unit development. The planned unit development may be applicable to any area of the Town, where the applicant can demonstrate that the characteristics of the proposed development of the site shall meet the objectives of this section.
- (4) Density. Because land is used more efficiently in a planned unit development, improved environmental quality can usually be produced with greater density than is usually

permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented by studies and professional opinions, including those necessary to ensure safe and sanitary installation of water, septic, transportation and utility systems. Where a question arises, the burden of proof shall be on the applicant, who shall commission studies and reports as necessary for the Town Board and Planning Board to determine land use intensity and/or dwelling unit density.

- (5) Ownership. The tract of land under application for consideration for a planned unit development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent of all property included in the project. In the case of multiple ownership, the approved plan shall be binding upon all the property owners, and such owners shall provide written certification of such binding agreements.

C. Procedure.

- (1) Prior to making any formal submission, it is advised that the applicant arrange to meet with the Planning Board for a preapplication conference, in order that the nature of the proposal and application procedure can be discussed.
- (2) The applicant shall submit an application and 10 copies of a preliminary development plan to the Town Board. A preliminary development plan shall consist of the following:
 - (a) A narrative description of the project setting forth its purpose, desirability and impact on the area in which the project is proposed, as well as its projected affect on the Town in general, paying particular attention to schools, traffic, population, utilities, aesthetics, recreation, taxes and compatibility with neighborhood character.
 - (b) A survey of the property, showing existing site features, including contours, buildings, structures, streets, utility easements, rights-of-way and land uses within 500 feet.
 - (c) A preliminary site plan, as described in § 105-52A(3) of this chapter.

- (d) Information on the intended construction sequence for buildings, parking areas and landscaping.
 - (e) A public utilities plan documenting the proposed location, size and quantity of water, effluent and storm drainage facilities.
 - (f) Additional studies and reports as may be necessary for the Planning Board to determine appropriate intensity of land use and development density.
 - (g) State environmental quality review documents as required by the Planning Board.
- (3) Referral of the application to the Greenfield Environmental Commission. The Town Board shall refer the application and accompanying documents to the Greenfield Environmental Commission for its review and recommendation.
 - (4) Referral of the application to the Town of Greenfield Planning Board. The Town Board shall refer the application and accompanying documents to the Planning Board for its review and recommendation.
 - (5) The Planning Board shall discuss the application and shall review the preliminary development plan with the applicant with the assistance of the Town Engineer to determine the application's completeness. Upon receipt of all documentation constituting a complete application, the Planning Board shall prepare a recommendation in regard to the preliminary development plan and the proposed change of zone.
 - (6) Within 35 days of receipt of a complete application for a change in zone, upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation for approval, approval with conditions or modifications or disapproval of the application based on the following standards:
 - (a) The recommendation shall be accompanied by a report on the application, which shall include a discussion of the proposal's compliance with the following:
 - [1] That the proposal conforms to the Town's comprehensive planning objectives.

- [2] That the proposal meets the intent and objectives of a planned unit development as expressed in § 105-129A.
- [3] That the proposal complies with the general requirements listed in § 106-129B.
- [4] That the uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.
- [5] That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase individually.
- [6] That the proposal is conceptually sound in that it meets local and areawide needs and that the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements shall function singly and cumulatively and conform to accepted design principals.
- [7] That there are adequate service and utilities available or proposed to accommodate the development.
- [8] That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.

(b) In addition, the report shall include a determination of compliance of the proposal with Chapter 49, Environmental Quality Review, of the Code of the Town of Greenfield, New York.

- (7) The Planning Board shall send a copy of its recommendation to the applicant. Failure of the Planning Board to act within 35 days of receipt of a complete application shall constitute a recommendation by the Planning Board for approval.

D. Action by the Town Board.

- (1) Within 35 days of receipt of the Planning Board's recommendation, public notice shall be given and a public hearing held by the Town Board on the proposed change of zone. At least 10 days prior to the date of public hearing, the Town Board shall provide written notice of any proposed

amendment in accordance with § 265 of New York State Town Law.

- (2) The Town Board shall render a decision on the application within 45 days of the public hearing, unless an extension of time is agreed to by the applicant and Town Board. If the change of zone is approved by the Town Board, the Official Town Zoning Map shall be amended so as to define the boundaries of the Planned Unit Development District, and such amendment shall be advertised and recorded in accordance with the requirements of § 265 of New York State Town Law. An appropriate notation indicating approval shall be made on the face of 11 copies of the preliminary development plan. One copy shall be retained by the Town Clerk, one shall be given to the official, one shall be returned to the applicant and eight copies shall be retained by the Planning Board.
- (3) The Town Board may, if it believes it necessary in order to fully protect the health, safety and general welfare of the community, attach to its zoning resolution approving the zoning change additional conditions or requirements the applicant must meet. Such requirements may include but are not limited to:
 - (a) Visual and acoustical screening.
 - (b) Land use mix.
 - (c) Schedule of construction of occupancy.
 - (d) Pedestrian and vehicular circulation system.
 - (e) Parking and snow removal.
 - (f) Site for public services.
 - (g) Protection of natural and/or historical features.
- (4) The Town Board shall also make a determination on the density and intensity of land use in accordance with § 105-129B(4).

E. Final development plan approval.

- (1) Prior to the issuance of a building permit, the applicant shall submit a final development plan for review and approval by the Planning Board. All plans and specifications shall bear the signature and the seal of a licensed architect, landscape

architect or licensed professional engineer responsible for the design and drawings. The following shall constitute a final development plan:

- (a) A site plan as described under § 105-52 of this chapter.
 - (b) A landscaping plan, including site grading, the placement of plantings and structures.
 - (c) Preliminary drawings of the buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
 - (d) Final engineering plans, including street improvements, drainage systems and public utility extensions. Where applicable, all improvements shall comply with the Town of Greenfield Subdivision Regulations.¹
 - (e) Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
 - (f) Performance bond estimate for street drainage, utility, traffic and pedestrian facilities and landscaping.
 - (g) Offers of cession and proposed restrictive covenants on open space.
 - (h) Construction sequence and time schedule for completion of the components of each development phase.
 - (i) Complete documentation of intended ownership and maintenance of open space and common facilities.
 - (j) Sworn statement by the applicant that the performance standards of this chapter shall not be violated.
- (2) The final development plan shall be in general conformance with the approved preliminary development plan. Approval of a final development plan shall be secured by the owner for each phase of the development prior to issuance of building permits. Such approval for each phase shall be valid for two years from the date of approval, at which time final development plan approval shall terminate, and no additional building permits shall be issued without reapplication for final development plan approval.

1. Editor's Note: See Ch. 90, Subdivision of Land.