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Memorandum

To: Town of Nassau Planning Board

From: Joseph M. Catalano, Esq.

Re: Troy Sand & Gravel Special Use Permit and Site Plan Applications

Date: August 16, 2012

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By Resolution adopted by the Town Board, on August 9, 2012, the above-referenced special use permit application was referred to the Planning Board for commencement of the Planning Board's review and recommendation process. The Planning Board also has site plan review jurisdiction over this proposal. For both the special use permit recommendation and site plan review, these applications must be reviewed under the provisions of the 1986 Town of Nassau Land Use and Development Regulations pursuant to a stipulation and order entered into between the Town and the Applicant in May 2010. As such, for your convenience, the relevant provisions of the 1986 Regulations are attached.

This application review process is also subject to prior decisions of the Rensselaer County Supreme Court. Of particular note, is the preliminary injunction that was issued by the Court on January 26, 2012. That decision is available on the Town website on the links/pages developed for this application. All of the application documents, supporting materials in the record, and applicable law are or will be also located on the Town website under the link entitled "TS&G Application" on the menu located on the left hand side of the homepage. (The Town is in the process of reorganizing and completing the uploads to this webpage.)

Part of the supporting materials are the reports generated by the Town's planning consultant, Nan Solzenburg, and myself with respect to our review of the application regarding whether such materials constituted a complete application for purposes of referral to the Planning Board. Ms. Solzenburg also performed an analysis regarding the completeness of the application materials for purposes of the Planning Board's site plan review. Since the Planning Board has original jurisdiction over the site plan review aspect of this matter pursuant to the 1986 Regulations, the Planning Board must determine whether the application materials are complete for purposes of commencing the site plan review process. The analysis performed by Ms. Solzenburg on the site plan aspects of this process should be useful to the Planning Board in its own completeness review of the site plan application.

LOCAL LAW #2  
LAWS OF 1986

T O W N

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RENSSELAER COUNTY, NEW YORK

LAND USE  
AND DEVELOPMENT  
REGULATIONS

ARTICLE 1. TITLE, SCOPE AND PURPOSE.

A. TITLE. This Local Law shall be known and may be cited as "The Land Use and Development Regulations of the Town of Nassau, Rensselaer County, New York."

B. SCOPE. This Local Law regulates and guides the use of land and the location, construction, alteration and occupancy of structures in the Town of Nassau and for said purposes divides the Town into land use districts.

C. ENACTING CLAUSE AND PURPOSES. This Local Law is enacted pursuant to Article 16 of the Town Law of the State of New York, in order to promote the public health, safety and the general welfare of the Town of Nassau for the following purposes:

1. To permit growth and development while protecting the rural, scenic, historic, aesthetic, economic, recreational and environmental qualities of the Town.
2. To recognize the significance of and to promote agricultural and forestry practices in the Town.
3. To provide adequate air, light and privacy for residents.
4. To permit business and economic development.
5. To preserve and protect the physical characteristics of soils, topography, vegetation and water sources which sustain low density rural housing dependant upon septic systems and wells.
6. To encourage the traditional uses of Hamlet areas.
7. To secure from fire, flood and other dangers.
8. To protect public health, safety and welfare, as well as public and private property, by insuring that activities which alter natural drainage patterns, vegetative cover or topography are performed in a manner which prevents erosion, sedimentation, ponding, flooding or other environmental damage.
9. To prevent overcrowding of the land and undue concentration of population.
10. To facilitate the safe, efficient and adequate provision of streets, traffic access, water supply, sewage disposal, and various public facilities and services.
11. To permit the continued operation of non-conforming uses.

12. To encourage the management of natural resources including land, plant life, minerals, surface waters, ground waters, soils, wildlife and aquatic life throughout the Town to ensure that their economic, recreational, social, health and aesthetic benefits will remain.

ARTICLE II. ESTABLISHMENT OF DISTRICTS.

A. LAND USE DISTRICTS. In order to fulfill the purposes of this Local Law, the Town of Nassau is hereby divided into the following land use districts:

- H Hamlet District
- GB General Business District
- RR Rural Residential District
- WR Waterfront Residential District

An overlay is also created:

FF-O Flood Fringe Overlay

B. PURPOSES. The following statements of purpose define the spirit and intent of each land use district and the overlay, and are to be used as guides in the interpretation and application of this Local Law.

1. RURAL RESIDENTIAL. The Rural Residential District is established to maintain and protect the open, rural character, environmental quality and natural habitat of these parts of the Town while allowing for a mixture of housing types, opportunities and home occupations, and to provide for current and future residents the opportunities for a wide range of activities including rural living, agriculture, forestry, recreation and the enjoyment of wildlife.
2. HAMLET DISTRICT. The Hamlet District is established to promote the traditional purposes of Hamlets as the centers in the Town for residential, retail and social activity by providing for the review of proposed developments to ensure they are compatible with the historical and current character and development of the Hamlet.
3. WATERFRONT RESIDENTIAL. The Waterfront Residential District is established to provide for the protection of water quality and natural habitat while allowing for the enjoyment and residential development of the Town's lakes and ponds.
4. GENERAL BUSINESS DISTRICT. The General Business District is established to provide an area for the development of commercial and industrial uses separate from residential areas and allow for the provision of the special needs of business/industrial development within a centralized area.
5. FLOOD FRINGE OVERLAY. The Flood Fringe Overlay is established to protect the public health and safety by requiring that development in the Overlay area comply with the flood proofing requirements of the U.S.

FIGURE 1

TOWN OF NASSAU

DISTRICT SCHEDULE OF USE REGULATIONS

SCHEDULE OF USES

LAND USE DISTRICT

HAMLET

RURAL  
RESIDENTIAL

GENERAL  
BUSINESS

WATERFRONT  
RESIDENTIAL

A. RESIDENTIAL USES:

Single Family Dwelling  
Two Family Dwelling  
Multiple Family Dwelling  
(maximum 4 units)  
Individual Mobile Home

Temporary license in all districts in accordance  
with Town of Nassau Local Law #1, 1972.

Home Occupation I  
Home Occupation II

B. NON-RESIDENTIAL USES:

General Uses:

Cemetery  
Agricultural Uses  
Forestry Uses  
Institutional Uses  
Membership Club  
Plant Nursery

Commercial Uses:

Animal Hospital  
Recreational Vehicle Park  
Retail Business  
Vehicle and Equipment  
Related Sales, Service,  
Repair and Rental  
Camp  
Horse Riding/Boarding Stable  
Lumber Yard  
Commercial Greenhouse

Industrial Uses:

Light Industrial Uses  
Oil or Gas Exploration  
Commercial Excavation  
Saw Mill  
Fuel Oil Storage  
Motor Freight Terminal  
Warehouse

ARTICLE V. SUPPLEMENTARY REGULATIONS.

The following supplementary regulations are applicable to all land use districts within the Town of Nassau unless otherwise provided in this Local Law.

A. GENERAL PERFORMANCE STANDARDS. No use shall be permitted which does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions of other Local, County, State and Federal laws, regulations and ordinances. These standards are not intended to impede usual agricultural and residential activities.

1. The emission of dust, dirt, smoke, fly ash, odor or noxious gases which could cause damage to the health of persons, animals, plant life or other forms of property is prohibited. This standard is not intended to restrict the normal use of wood or coal burning residential heating units.
2. No glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Exterior illumination shall be shaded and directed to prevent glare or traffic hazard on surrounding properties and streets.
3. There shall be no discharge or injection of any material of any nature into any wetland, watercourse or public or private disposal system or into the ground which may degrade water quality or contaminate any water supply or otherwise endanger health, property or the environment.
4. No activity shall create a physical hazard by reason of fire, explosion, radiation, electromagnetic disturbance or other such cause to persons or property in the same or in an adjacent district.
5. There shall be no storage of any material, either indoors or out, in such a manner that it facilitates the breeding of vermin or endangers health or the environment.
6. Measures to control erosion, sediment or surface water runoff shall be undertaken prior to, during and after any land use or development with the smallest practical area being exposed at any time and for the shortest practical period of time prior to restoration to an attractive natural condition; and these control measures shall be maintained as frequently as necessary to provide adequate control and to insure the free flow of water.
  - a. Mulching or temporary vegetation suitable to the site shall be used to protect exposed areas.

b. All topsoil excavated during site preparation shall be stockpiled and used for site restoration and where necessary such stockpiles shall be seeded or otherwise treated to minimize erosion.

c. Steep slopes where vegetation cannot be readily re-established or where problems of erosion, sediment or surface water runoff may result, shall not be disturbed or exposed.

7. Surface water runoff during and after land use or development shall not have a rate or velocity which exceeds that which prevailed under previously existing cover, nor shall it overload with increased runoff, sediment or other pollutant any watercourse.

8. Drainage systems shall be integrated so as to minimize erosion, sedimentation, slope instability and adverse effects on neighboring property owners, avoid concentration of water flow, prevent deflection of any receiving watercourse, and shall not transfer runoff from one watershed to another.

9. Ponding of water shall be avoided unless it is proposed within the site plan in which event there shall be sufficient water flow to maintain water levels and to avoid stagnation.

10. Land use or development shall be fitted to the vegetation, topography and other natural features of the land and shall preserve as many of these features as possible and, excluding forestry and agricultural uses, shall include the preservation to the extent possible of trees over twelve (12) inches in diameter measured at four and one-half (4.5) feet above ground.

**B. ACCESSORY USES AND STRUCTURES.** Except as provided in Article IV (E), all accessory uses and structures not attached to the principal building shall comply with the following provisions:

1. Shall not be located in the required front yard;
2. Shall not be located less than ten (10) feet from any lot line and, if enclosed or roofed, shall not cover more than thirty (30) percent of the required side or rear yard in which it is located.

**C. SIGNS.** Any sign or use of signs shall strictly conform to the standards in this Local Law.

1. Signs shall at all times be maintained in good repair;
2. Signs shall not attempt to appear to regulate, warn or direct



#### ARTICLE VI. SPECIAL USE PERMIT.

All special permit uses specified in this Local Law shall be subject to review by the Town Planning Board and approval by the Town Board in accordance with the standards and procedures included in this Article, and no Building Permit or Certificate of Compliance, Occupancy or Use shall be issued by the Code Enforcement Officer except upon authorization of and in full conformity with plans approved by the Town Board.

A. GENERAL STANDARDS. In reviewing any special permit use, the Town Planning Board and the Town Board shall consider the health, safety, welfare, comfort and convenience of the public, in general, and that of the residents of the immediate neighborhood in particular, and the environmental impact, as well as the following standards:

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to existing or future access shall be in harmony with the orderly development of the district;
2. The location, nature and height of buildings, walls and fences, and the nature and intensity of intended operations shall not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof;
3. All parking and service areas shall be screened at all seasons of the year from the view of adjacent streets and residential lots and the landscaping of the site shall be in character with that prevailing in the neighborhood;
4. The character and appearance of the proposed use, building, structures and outdoor signs shall be in harmony with the character and appearance of the surrounding neighborhood.

In executing their authority under this Article, the Town Planning Board may recommend, and the Town Board may require within its resolution of special use permit approval, such conditions and safeguards as it deems appropriate.

B. ADDITIONAL SPECIFIC STANDARDS FOR CERTAIN USES. In addition to the general standards, the following specific standards shall apply:

1. VEHICLE AND EQUIPMENT RELATED SALES, SERVICE, REPAIR AND RENTALS;
  - a. No gas station shall be located within two hundred (200) feet of any school, church, public library, theater, hospital, park, playground or other public gathering place, the distance to be measured in a straight horizontal line between the nearest point of each lot.
  - b. The area for use by motor vehicles, except access drives

7. All new construction or substantial improvements to existing structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood boundary or, as an alternative for existing structures, be flood-proofed up to the same water level, including the attendant utility and sanitary facilities;

8. No use shall be permitted including excavation, stripping, grading or filling, unless the applicant has demonstrated that the proposed use in combination with all other existing and anticipated uses will not raise the water level of the one hundred (100) year flood boundary more than one (1) foot at any point.

D. APPLICATION AND REVIEW PROCEDURE. The Town Planning Board shall review and the Town Board shall act on all special use permits in accordance with the following procedures:

1. All applications shall be made to the Town Board in writing on forms prescribed by said Board and shall be accompanied by the following:

- a. a site sketch plan as otherwise required in Article VII (A) (2) of this Local Law;
- b. a map of site topography as otherwise required in Article VII (B) (1) (d) of this Local Law;
- c. such additional information as is required for certain uses in Article VI (B and/or C) of this Local Law; and
- d. payment of the applicable fee in accordance with the fee schedule.

2. The Town Board shall refer the application and all accompanying information within fourteen (14) days of receipt to the Town Planning Board for its review and recommendation.

3. The Town Planning Board shall conduct a public hearing on the special use permit application within forty five (45) days of the Town Board's referral with said hearing being advertised in the official newspaper of the Town at least five (5) days prior to the hearing. The Town Planning Board shall additionally provide further notice and referral to the Rensselaer County Bureau of Budget, Research and Planning, if required, as specified in Article X (C) (3 and 4) of this Local Law.

4. Within forty five (45) days of the public hearing, the Town Planning Board shall complete its review of the special use permit.

application and shall recommend approval, disapproval or approval with modifications to the Town Board. A copy of the appropriate Town Planning Board Minutes directed to the Town Clerk shall be a sufficient statement.

5. Within forty five (45) days of the receipt of the Town Planning Board's recommendation, the Town Board shall act to either approve, disapprove or approve with modifications the special use permit.

6. Within fourteen (14) days of the special use permit resolution of approval, disapproval or approval with modifications, a copy of said resolution shall be forwarded by the Town Board to the Code Enforcement Officer.

7. Any period of time specified in this Article may be extended by mutual written consent of the applicant and the Town Planning Board or Town Board.

F. EFFECT OF SPECIAL USE PERMIT APPROVAL.

1. No Building Permit shall be issued for any structure covered by this Article until such special use permit has received Town Board approval and a copy of a resolution to that effect has been received by the Code Enforcement Officer.

2. No Certificate of Occupancy or Use shall be issued for any structure or use of land covered by this Article until the structure is completed or the land developed in strict accordance with the Town Board resolution of special use permit approval and applicable requirements of this Local Law.

3. Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which it is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit has been granted.

4. The Town Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon determination by the Town Board that such conditions as may have been prescribed in conjunction with the issuance of said permit have not been or are no longer being complied with. In such cases, a period of sixty (60) days shall be granted for full compliance by the permit holder prior to revocation of the special use permit. No new conditions may be imposed by the Town Board in its review of a previously issued special use permit.

5. The granting of a special use permit in the Flood Fringe

Overlay shall not be held to constitute a representation, guarantee or warranty of any kind by the Town of Nassau or by any official or employee thereof for the practicability or safety of any structure or use or the proper functioning of the proposed facilities and plans and shall not be held to create a liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

G. EXPIRATION OF SPECIAL USE PERMIT. A special use permit shall be deemed to authorize only one particular special permit use, and shall expire if the special permit use is not commenced and diligently pursued within six (6) months of the date of special use permit issuance or if the special permit use ceases for more than six (6) months for any reason.

## ARTICLE VII. SITE PLAN REVIEW.

Prior to the issuance of a Building Permit or Certificate of Compliance, Occupancy or Use in any district, except for those uses not requiring site plan review as indicated in the "District Schedule of Use Regulations" in Article III of this Local Law, the Code Enforcement Officer shall require the preparation of a site plan and shall refer the site plan to the Town Planning Board for its review and recommendations in accordance with the standards and procedures set forth in this Article.

A. SKETCH PLAN CONFERENCE. A sketch plan conference between the Town 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 certificate or permit is sought.

The Town 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 a sketch plan drawn to scale and accompanying statements provided by the applicant and describing in sufficient detail what is proposed. For multi-stage projects, all stages shall be presented.

1. At the sketch plan conference, the Town Planning Board shall take one of three actions:

- a. determine that the project is limited in scope, with compatible land use and site design characteristics, thus requiring no further review under this Article; or
- b. determine that the project does require full review under this Article, based upon its scope and/or land use and/or site design characteristics, and advise the applicant of preliminary site plan requirements in accordance with B of this article; or
- c. require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.

2. In order to assist the Town Planning Board in its determination the applicant shall provide an area map showing the parcel under consideration and all existing natural and man-made features, properties, subdivisions, streets and easements within five hundred (500) feet of the boundaries. Such area map shall be oriented to the nearest street or road intersection and contain a north arrow, title of the drawing, name and address of the owner, applicant and person(s) responsible for preparation of such area map.

B. APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL. An application for Preliminary Site Plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist of items, as determined necessary by the Town Planning Board at the time of the Sketch Plan Conference, and certified by a licensed engineer, architect, landscape architect and/or land surveyor. The Town Planning Board may, at its discretion, waive the requirement that a Preliminary Site Plan be prepared by a licensed professional provided that no grading, substantial drainage changes, oil and/or gas exploration, installation of a sanitary waste disposal system, building construction, road construction or special permit use is proposed.

1. PRELIMINARY SITE PLAN CHECKLIST

- a. Title of drawing and name and address of owner, applicant and person(s) responsible for preparation of such drawing;
- b. north arrow, scale and date;
- c. boundaries of the property plotted to scale and indication of acreage contained therein;
- d. A map of site topography at no more than ten (10) feet contour intervals or if general site grades exceed five (5) percent or portions of the site have susceptibility to erosion, sedimentation, flooding or ponding, a soils overlay and topographic map showing contour intervals of not more than five (5) feet of elevation.
- e. existing watercourses;
- f. grading and integrated drainage plan, including erosion and sediment control measures, showing existing and proposed contours at an appropriate interval to be specified by the Town Planning Board at the Sketch Plan Conference;
- g. location, proposed use and height of all structures;
- h. location, design and construction materials of all parking and loading areas, with access and egress drives;
- i. provision for pedestrian access;
- j. location of outdoor storage;
- k. location, design and construction materials of all existing or proposed site improvements;

- l. description of the method of sewage disposal and location, design and construction materials of such facilities;
- m. description of the method of securing water and location, design and construction materials of such facilities;
- n. location of fire and other emergency zones including the location of fire hydrants;
- o. location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- p. location, size, design and construction materials of all proposed signs;
- q. location and proposed development of all buffer areas including indication of existing vegetative cover;
- r. location and design of outdoor lighting;
- s. designation of the amount of building area proposed for commercial activity so that the adequacy of parking and other factors may be reviewed;
- t. general landscaping plan and planting schedule;
- u. other elements integral to the proposed development as considered necessary by the Town Planning Board including identification of any Federal, State, County or Local permits required for the project's execution.

2. REQUIRED FEE. An application for Preliminary Site Plan review and approval shall be accompanied by the applicable fee in accordance with the established fee schedule.

C. PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN. The Town Planning Board's review of a Preliminary Site Plan shall include, as appropriate, but is not limited to, the following:

1. GENERAL CONSIDERATIONS:

- a. Adequacy of layout and design of vehicular and pedestrian access and circulation including intersections, road widths, pavement surfaces, traffic islands, medians or

channelization structures, traffic controls, walkway structures and overall pedestrian convenience;

b. Adequacy of layout and design of off-street parking, loading, lighting, signs and general relationship with proposed structures;

c. Adequacy of stormwater and drainage facilities, erosion and sediment control measures, water supply and sewage disposal facilities;

d. Adequacy of protection and preservation of the vegetation, topography, wildlife, aquatic life and other natural features of the site;

e. Adequacy of type and use of trees, shrubbery and other landscape elements for aesthetic, screening or buffering purposes and the relationship with existing trees and vegetation, including the maximum retention of existing vegetation;

f. Adequacy of protection of adjacent properties from noise, glare, unsightliness or other objectionable features;

g. Adequacy of provisions for emergency vehicular zones and fire fighting access;

h. Location, arrangement, size, design and general site, neighborhood and historical compatibility of buildings, lighting and signs;

i. In the case of a multiple family dwelling, the adequacy of useable open space for play areas and informal recreation;

j. The adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding, erosion and/or sedimentation.

2. **PUBLIC HEARING.** The Town Planning Board shall conduct a public hearing on the Preliminary Site Plan within forty-five (45) days of the receipt of the application for Preliminary Site Plan approval and shall advertise said hearing in the official newspaper of the Town at least five (5) days before the public hearing.

**D. PLANNING BOARD ACTION ON PRELIMINARY SITE PLAN.** Within ninety (90) days of the receipt of an application for Preliminary Site Plan approval, or within forty-five (45) days of the conduct of a public



hearing, whichever shall first occur, the Town Planning Board shall act on the Preliminary Site Plan. If no decision is made within said period, the Preliminary Site Plan shall be considered approved by the Town Planning Board. The Town Planning Board's action shall be in the form of a written statement to the applicant stating whether the Preliminary Site Plan is approved, disapproved or approved with modifications. A copy of the appropriate Minutes of the Town Planning Board shall be a sufficient statement.

The Town Planning Board's statement may include recommendations of desirable modifications to be incorporated in the Final Site Plan and conformance with said modifications shall be considered a condition for a recommendation for Final Site Plan approval. If the Preliminary Site Plan is disapproved, the Town Planning Board's statement shall contain the reason for such findings. In such a case, the Town Planning Board may recommend further study of the site plan and resubmission to the Town Planning Board after it has been revised or redesigned.

E. PROCEDURE FOR FINAL SITE PLAN APPROVAL. After receiving approval with or without modifications from the Town Planning Board on a Preliminary Site Plan, the applicant shall submit a final detailed site plan to the Town Planning Board for approval. If more than six (6) months have elapsed since the time of the Town Planning Board's action on the Preliminary Site Plan and if the Town Planning Board finds that conditions have changed significantly in the interim, the Town 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 shall be conducted.

The final detailed site plan shall conform substantially to the Preliminary Site Plan originally approved. It shall incorporate any revisions or other modifications that may have been recommended by the Town Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

The following additional information shall accompany an application for final detailed site plan review:

1. Record of application for and approval status of any necessary permits from Federal, State, County, and Local officials;
2. Detailed sizing and final material specifications of all required improvements;

3. An estimated project construction schedule including a completion date.

**P. PLANNING BOARD ACTION ON FINAL SITE PLAN.** Within forty-five (45) days of receipt of the application for Final Site Plan review, the Town Planning Board shall approve or disapprove the Final Site Plan. If no decision is made within the forty-five (45) day period, the Final Site Plan shall be considered approved.

1. Upon approval of the Final Site Plan and payment by the applicant of all fees and reimbursable costs due the Town, the Town Planning Board shall endorse its approval on a copy of the Final Site Plan and shall forward such copy to the Code Enforcement Officer.

2. Upon disapproval of the Final Site Plan, the Town Planning Board shall so inform the applicant and the Code Enforcement Officer in writing of its decision and its reason for disapproval. A copy of the appropriate Minutes of the Town Planning Board shall be a sufficient statement.

**G. REIMBURSABLE COSTS.** Reasonable costs incurred by the Town Planning Board for private consultation fees or other extraordinary 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 B (2) of this Article.

**H. PERFORMANCE GUARANTEE.** No Certificate of Occupancy or Use shall be issued until all improvements shown on the Final Site Plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Town Attorney, the Code Enforcement Officer, other local officials or designated consultants.

**I. INSPECTION OF IMPROVEMENTS.** The Code 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.

**J. INTEGRATION OF PROCEDURES.** Whenever the particular circumstances of a proposed development require compliance with either another procedure in this Local Law, the requirements of the Town Land Subdivision Regulations or the requirements of the State Environmental Quality Review Act, the Town Planning Board may integrate, as applicable and if it deems appropriate, site plan review as required by this Article with the procedural and submission requirements for such other compliance.

L. MODIFICATION OF TIME PERIODS. Any period of time specified in this Article may be extended by mutual written consent of the applicant and the Town Planning Board.