

**CODE OF THE CITY OF YONKERS, NEW YORK**

**CHAPTER 43–ZONING ORDINANCE**

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**ARTICLE IX**  
**SITE PLAN REVIEW**

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**§43-94 Site plan approval required**

- A. No building permit shall be issued for a building or structure and no building, structure or use shall be established other than a detached single-family dwelling or a two-family residential dwelling unless it is in conformity with a site plan approved in accordance with this article (Article IX). No site plan approval shall be required in the case of remodeling or rehabilitating or change of use or tenancy where no change to the building footprint or site is proposed.
  
- B. No certificate of occupancy or use permit for a use, building or structure shall be issued until all the requirements of such approval and any conditions attached thereto have been met except as provided in §43-114. The continued validity of any certificate of use and occupancy shall be subject to continued conformance with such approved site plan and conditions. Revisions of approved site plans shall also require an approval as provided for in this Article (Article IX) and shall be subject to the same approval procedure.

**§43-95 Approval agency**

All site plan reviews shall be undertaken by the Yonkers Planning Board. Site plan applications in conformance with the provisions of this chapter shall then be referred to the Planning Bureau. Any site plan which does not comply with the provisions of this chapter shall be denied. Applicants whose site plans do not conform to the provisions of this chapter shall be denied. Applicants whose site plans do not conform to the provisions of this chapter may seek use or area variances from the Zoning Board of Appeals in accordance with the procedures set forth in Article VIII of this chapter. Upon approval of any necessary use or area variances, the site plan application shall then be referred to the Planning Bureau.

**§43-96 Review procedure**

- A. Submission of an application. Applicants are encouraged to submit a preliminary, informal application in accordance with §43-96B.1 and to discuss it with the approving agency prior to

formal submission of a complete and detailed site plan application. Formal and informal applications for site plan approval shall be submitted to the Planning Board, in fifteen (15) copies.

B. Reviews

1. Informal review. There shall be no statutory time limit for the review of informal applications, nor the need to make a determination of whether the application is complete. However, the Director of Planning may request that further information be provided in order for the approving agency to review the plan and to provide commentary thereon. When sufficient information has been provided to the Planning Director, he or she shall forward copies thereof to the approving agency if such approving agency is not the Planning Director, and set it down for informal review at the next meeting for which sufficient time can be set aside for such informal review. The approving agency, at their discretion, may request the applicant to make a brief informal presentation of the salient information provided in the informal or concept site plan, whereafter members of the approving agency may comment on the plan. At the request of the approving agency, the Planning Director or his or her agent, or members of other advisory review boards may also provide commentary thereon. The public shall be permitted to attend such informal reviews, but shall only be permitted to comment at the discretion of the chairperson of the approving agency. No decisions, resolutions or other formal action shall be taken at such informal review. No statement, comment or other communication made during such informal review shall be binding upon any party, but provided solely to expedite and assist the applicant in preparing the site plan application for formal submission to the approving agency.
2. Formal review. If a formal application is determined to be complete by the Planning Bureau, the application shall be forwarded to the Planning Board, with a report by the Director of Planning. The formal application shall be considered officially submitted and received on the date of the next meeting of the Planning Board following such forwarding. Provided the application is complete, the required period of time for review and decision, as provided herein, shall commence on the date of the next scheduled Planning Board meeting.

- C. Review by other agencies. The approving agency may forward copies for review and report to such officials and agencies of the City as it deems appropriate. It shall forward copies for review and report to the Design Review Board, where required under Chapter 46, Article II. All agen-

cies shall have thirty (30) days from the date of forwarding to submit a report. Such time limit may be extended by mutual agreement with the applicant, but any such extension shall apply equally to the time limits of §43-100. Any revision to a site plan or to the application for site plan approval shall be referred to the Department of Housing and Buildings for analysis of conformity to applicable zoning standards.

**§43-97 Reserved**

**§43-98 Referral to the State, County and abutting municipalities**

The site plan application shall be referred to the New York State Office of Parks, Recreation and Historic Preservation if the property that is the subject of the site plan application is within five hundred (500) feet of a state park or parkway, and to the Westchester County Planning Board when the boundary of the property that is the subject of the site plan application abuts a State or County highway, park, drainage channel or building site, and to the clerk of any abutting municipality where the boundary of the property that is the subject of the site plan application is located within five hundred (500) feet of such municipality in accordance with Section 239m of the General Municipal Law before final action is taken. The Westchester County Planning Board shall have thirty (30) days after receipt of the referral of the application to make a recommendation to the Planning Board.

**§43-99 Posting of signs**

The applicant for a site plan approval shall post signs in accordance with the provisions of §43-156 of this chapter.

**§43-100 Decision on a site plan application**

Within sixty-two (62) days of the receipt of a completed application, unless such time limit is extended by mutual agreement with the applicant, the approving agency shall approve, approve with modifications, or disapprove the application. The approving agency shall approve the application where it finds that the standards of §43-121 have been met. The approving agency may approve such application conditionally where it finds that such conditions or modifications are necessary to ensure initial and continued conformance with the standards in Section §43-121. The decision of the approving agency shall immediately be filed in the office of the City Clerk with a copy thereof mailed to the applicant. In the event that the Westchester County Planning Board recommends modifications or disap-

proval of the action, the Planning Board shall not act contrary to such recommendations except by a vote of a majority plus one (1).

**§43-101 Conditions attached to the approval of a site plan**

The Planning Board is authorized to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. The Planning Board may require the submission of a performance bond or other security prior to the issuance of a building permit to cover all improvements for which site plan approval has been granted.

**§43-102 Waiver of requirements**

The approving agency may, when reasonable, waive requirements as contained in Article IX for the approval, approval with modification or disapproval of site plans submitted for site plan approval as contained in Article IX. Any such waiver shall be granted only upon a showing by the applicant that: (1) compliance with such requirements would result in an unnecessary hardship, or that the benefits to the neighborhood or City of Yonkers of granting such a waiver, outweighs the detriments thereof; and (2) when such requirements are found not to be requisite in the interest of the public health, safety and general welfare, or are found to be inappropriate to the particular site plan for which approval is being sought.

**§43-103 Variances in conjunction with site plan review**

- A. No application shall be deemed officially submitted unless it complies with all the requirements of this chapter and any necessary variances have been granted by the Zoning Board of Appeals.
  
- B. In cases where an application requires one or more variances, the applicant shall be so advised by the Commissioner of the Department of Housing and Buildings or by the Planning Director, who shall also advise the applicant of the procedures and requirements to be followed in seeking any necessary variance or variances from the Zoning Board of Appeals. No further action shall be taken with respect to an application unless and until all required variances have been approved by the Zoning Board of Appeals.

- C. After approval by the Zoning Board of Appeals of any necessary variances, an application for site plan approval may be submitted and processed in accordance with §43-96.

**§43-104 Submission requirements for a site plan application**

- A. All applications.
  - 1. All applications for site plan review as required under this chapter shall be accompanied by a certified check or money order made payable to “The City of Yonkers” in the amount specified in Article XVI.
  - 2. All applications shall be signed by the owner. If the applicant is not the owner of the property, the applicant shall submit written and notarized permission from the owner.
  - 3. A building application review from the Department of Housing and Buildings shall be submitted.
- B. Informal application. A site plan submitted for informal review should provide at least the following information:
  - 1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access, signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.
  - 2. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements, and other pertinent features.
  - 3. A topographic or contour map of adequate scale and detail to show site topography.
- C. Formal application. A site plan submitted for formal review shall include at least the following information, except that the approving agency, on the advice and recommendation of the Director of Planning may waive one or more of the requirements, if it deems that such information is not pertinent or necessary to demonstrate compliance with the standards set forth in §43-121.

1. General:

- (a) Site plans shall be drawn to a convenient engineering scale, but not less than one inch equals fifty feet (1" = 50').
- (b) Such plan shall be prepared and signed by a registered architect, landscape architect, land surveyor or professional engineer licensed to practice in the State of New York.

2. Legal data:

- (a) Name and address of applicant and authorization of owner if different from applicant.
- (b) Block and lot numbers of the property taken from the official tax records.
- (c) Name, address, signature and seal of the professional preparing the site plan.
- (d) Title of the development, date prepared and date of revision, if any.
- (e) North arrow, scale and location map drawn to a scale of not less than one inch equals eight hundred feet (1" = 800').
- (f) The location of all adjoining properties, and the owners, block and lot numbers of those properties as shown on the official tax records.
- (g) Description of all existing and proposed deed restrictions or covenants applying to the property filed in favor of the City.
- (h) Existing zoning of the property and all adjoining properties.
- (i) Analysis in tabular form indicating conformity to applicable dimensional standards of the zoning ordinance, including any area variances being requested.

3. Natural Features:



- (a) Topographic data at a maximum contour interval of two (2) feet for areas of the site with grades of less than fifteen percent (15%) and at maximum contour intervals of five (5) feet for areas of the site with grades in excess of fifteen percent (15%), showing existing and proposed contours, extended at least twenty-five (25) feet into adjoining properties.
  - (b) Surface features, such as the location of rock outcrops.
  - (c) Vegetative cover, including the location of existing wooded areas, significant individual trees including specimen trees, and trees on adjacent City property.
  - (d) The location of all existing watercourses, water bodies, intermittent streams, wetland areas, and springs.
  - (e) Boundaries of any area subject to flooding or storm water overflows, including Flood Hazard Areas as established by the U.S. Federal Emergency Management Agency.
4. Existing buildings, structures and utilities:
- (a) Location of all existing buildings or structures on the premises and approximate location of all neighboring buildings or structures within one hundred (100) feet of all lot lines of the premises.
  - (b) Location of all existing adjacent public and private streets, ways and roads, paved areas and sidewalks. The names and existing widths of adjacent streets, including curb lines and elevations at the centerline of the street and the reference grade at the curb along the centerline of the building.
  - (c) Locations, dimensions, grades and flow direction of existing sewers, culverts, water lines and other underground utilities within the property, to the extent known or relevant. Location of all utilities in the adjacent street and connections to structures on the premises. Invert and rim elevations at all manholes closest to lot lines of the premises.
  - (d) Fences, landscaping and screening.

- (e) All other existing improvements.
5. Proposed development:
- (a) The location and dimensions (length, width, floor elevations and height in feet and in stories) of proposed buildings or structures, with floor plans showing all proposed floor space by type of use and floor level.
  - (b) Preliminary architectural plans showing at least exterior elevations and materials to be used. Such elevations and plans shall be legible and drawn at a standard architectural scale. The scale utilized shall be indicated on all plans and details.
  - (c) The location, width and finished grades of proposed public and private streets, ways, roads and sidewalks, including pavement type and profiles.
  - (d) The location, layout, finished grade, pavement specifications and curbing proposed for parking lots and loading spaces, including access drives.
  - (e) Driveway profiles from the centerline of the street to the garage floor or parking lot. The grade of slopes should be indicated by percentage. Elevations at centerline of street, top of curb, and at the lot line must also be indicated on the profile. Where there is no curb, the curb elevation is assumed to be equal to the elevation at the centerline of the street and should be so indicated.
  - (f) The location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
  - (g) The location, size and design of all proposed water supply, sanitary sewage, valves and hydrants and other utility facilities, including connections to any existing such facilities, with profiles.
  - (h) Stormwater drainage systems with details of catch basins, dry wells, retention basins and other related facilities. Calculation of expected storm drain loads and stormwater runoff pattern to be accommodated by the proposed drainage system.

- (i) Landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. A planting schedule shall be provided indicating plant species, plant dimensions at time of planting, full growth height/width ranges, maturation time and other dimensional details. Included in the plan shall be an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
  - (j) Type, location, design, shielding and hours of operation of exterior lighting.
  - (k) Location, type, size, wording, design, color and illumination of all signs.
  - (l) Estimate of earth work, showing the quantity of any material to be imported to or removed from the site.
  - (m) Description of measures planned to assure proper erosion and sedimentation control both during and after construction, with reference to Chapter 56, Article XIII of the Code of the City of Yonkers and Westchester County's Best Management Practices Manual for Construction Related Activities, Standards and Specifications.
  - (n) A statement from the applicant's engineer indicating the estimated cost of construction of all new streets and sidewalks and of the water supply, sanitary sewage and storm drainage systems.
  - (o) A statement describing construction phasing, control of construction-related impacts, licenses and permits for road usage, hours of operation, parking of construction employee vehicles, and the like.
6. Written statement describing type, hours and manner of operation of the use of the building or land, traffic and parking conditions in the area, provision for the mitigation of any parking or traffic related problems and any other pertinent information related to the explanation of the plan.
  7. A completed short Environmental Assessment Form (EAF).
  8. The building application review from the Department of Housing and Buildings.

9. Any other information determined necessary or appropriate by the approving agency in order to provide for the proper administration and enforcement of this chapter.
10. Completed application form and check list.

**§43-105 Standards of review for site plan approval**

- A. The approving agency's review of the site plan application shall include, as appropriate, but is not limited to, the following general considerations:
1. Adequacy of location, arrangement, size, design and general site compatibility of buildings.
  2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  3. Adequacy of location, arrangement, appearance and sufficiency of off-street parking and loading.
  4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  5. Adequacy of stormwater and drainage facilities.
  6. Adequacy of water supply and sewage disposal facilities.
  7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
  8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
  9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

10. Adequacy of lighting and signage.
11. Adequacy of construction period controls.

#### **§43-106 Integration of procedures**

Whenever the development for which site plan approval is being sought is also subject to other approval procedures such as special use permits, variances, certificates of appropriateness, Design Review Board review or other requirements of this chapter and other provisions of the City Code, the approving agencies shall attempt to integrate, as appropriate, site plan review as required in this Article, with the procedural and submission requirements for such other compliance.

#### **§43-107 Inspection of improvements**

The Commissioner of the Department of Housing and Buildings shall be responsible for the overall inspection of site improvements, including coordination with the Director of Planning and other boards, agencies and officials as appropriate.

#### **§43-108 Performance guarantees**

No final certificate of occupancy shall be issued until all improvements shown on the approved site plan are installed or a sufficient performance guaranty has been posted with the Planning Director for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Planning Director after consultation with the approving agency, the Corporation Counsel and other officials and agencies of the City of Yonkers as appropriate. Such performance guaranty shall be provided to the City in accordance with §33.8 of Article 27.b of the General City Law.

#### **§43-109 Bonds or performance guarantees in connection with a site plan**

- A. The approving agency may, in its sole discretion, require that the construction and installation of required infrastructure and other improvements (the "Improvements") be secured by the applicant by a bond, letter of credit, or other performance guaranty (the "Performance Guarantee Instrument") filed with the City, in an amount determined by the approving agency to be sufficient therefor, and in form satisfactory to the City's Corporation Counsel.

- B. The period within which the Improvements must be completed shall be specified by the approving agency and expressed in the Performance Guarantee Instrument.
- C. The Performance Guarantee Instrument shall provide for the retention by the City of ten percent (10%) of the originally fixed amount for a period of one (1) year after the satisfactory completion of all Improvements, in order to insure the soundness and integrity of such Improvements.
- D. In the event that the Improvements are not completed within the term of the Performance Guaranty Instrument, and the approving agency has not extended such term, the approving agency may declare the applicant to be in default under the Performance Guarantee Instrument.
- E. The time period specified in the Performance Guarantee Instrument for completion of the Improvements shall not be extended except upon the approval of the approving agency. Applications for such extension shall set forth the following information:
  - 1. Detailed reasons for failure or inability to complete the Improvements within the time specified in the Performance Guarantee Instrument;
  - 2. The work which has been completed as of the date of the application, as certified by the applicant's engineer;
  - 3. The maximum estimated time required to complete the Improvements; and
  - 4. The period for which extension of the Performance Guarantee Instrument is requested.
- F. The approving agency may reduce the amount of the Performance Guarantee Instrument during its term where the agency finds that the Improvements to have been substantially constructed and installed to a sufficient degree to warrant such reduction. Applications for such reduction shall set forth the following information, as certified by the applicant's engineer:
  - 1. An itemization of the work already performed as of the date of application;
  - 2. An itemization of the work remaining as of the date of application; and
  - 3. The amount of reduction requested.

#### **§43-110 Occupancy prior to completion**

Where, in the opinion of the Commissioner of the Department of Housing and Buildings the elements of an approved site plan are substantially complete, and the buildings, structures or use meets the requirements of other applicable codes and ordinances, the Commissioner of the Department of Housing and Buildings may issue a temporary certificate of use and occupancy for a period of up to ninety (90) days, subject to a suitable assurance that all required elements of the approved site plan will be completed as soon as practicable. Where the Commissioner of the Department of Housing and Buildings finds good cause, he or she may extend such temporary certificate of use and occupancy for two (2) additional periods not to exceed ninety (90) days each.

#### **§43-111 Amendments to approved site plan**

- A. Minor amendments. During construction, the Commissioner of the Department of Housing and Buildings may authorize minor adjustments to the approved site plan when such adjustments appear necessary in the light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall, however, be consistent with the overall concept of the approved site plan.
- B. Substantial amendments. Where unforeseen conditions are encountered which require any change to an approved site plan which the Commissioner of the Department of Housing and Buildings considers substantial, or where the applicant wishes to modify the approved plan for other reasons, an amended site plan shall be filed for review and approval in accordance with the same procedures required for initial applications.

#### **§43-112 Expiration of site plan approval**

Unless otherwise specifically set forth by the approving agency in connection with its approval of a site plan, such approval shall expire if substantial construction is not completed within one (1) year of approval, or if all required improvements are not completed within three (3) years of approval, or if the construction or use shall cease for a period of twelve (12) or more consecutive months.

Prior to the expiration of the site plan approval, an applicant may apply for the extension of site plan approval to the Planning Board. The Planning Board may grant one such extension for a period of up to one (1) year, provided the circumstances or conditions upon which such original approval was

based has not substantially changed. Any site plan application for which one (1) extension has already been granted shall be considered a new application.

#### **§43-113 As-built plan**

Upon completion of construction, an as-built site plan shall be submitted to the Department of Housing and Buildings, which plan shall show all elements of the site as actually constructed. Except as provided in §43-112, no final certificate of use and occupancy may be issued until the as-built site plan has been reviewed by the Planning Bureau and found to be in compliance with the approved site plan.

#### **§43-114 Compliance with State Environmental Quality Review Act**

In its review of site plan applications, the approving agency shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

#### **§43-115 Fees and reimbursable costs**

Costs incurred by the approving agency for consultation fees or other extraordinary expenses in connection with the review of a site plan application may be charged to the applicant, as set forth in Article XVI. Fees for site plan applications are set forth in Article XVI. The Planning Board may condition the grant of site plan approval or building permits on the payment of such fees in full.

#### **§43-116 Article seventy-eight proceeding**

Any person aggrieved by a decision of the Planning Board or such other designated body or any office, department, board or bureau of the City may apply to the Supreme Court for review by a proceeding under article seventy-eight of the civil practice law and rules.

#### **§§43-117 through 43-120 (Reserved)**

#### **§43-121 Site plan design standards**

A. Curbing and sidewalks



1. Concrete, Belgian block or granite curbing shall be required along the perimeters of any interior planted area, on the interior side of any required planted buffer area, in any other areas on the site and on public streets. Barrier-free ramps for the handicapped shall be provided as required by the Americans with Disabilities Act and American National Standards Institute (ANSI) A-117.1.
2. Concrete sidewalks shall be provided along the perimeter of the building adjoining a driveway or parking area, except adjacent to loading areas. Sidewalks shall be designed for the purpose of protecting the building and be of sufficient size to provide for safe and sufficient ingress and egress for pedestrians going to, from and about the building. The approving agency may waive the requirement for sidewalks to be so provided where the same would serve neither of the aforementioned objectives. The applicant may provide or the approving agency may require a planted area to be provided between the perimeter sidewalks and the building or buildings.
3. Other materials may be permitted by the approving agency for curbs and sidewalks, where determined to be equally or more durable and visually appropriate.
4. The approving agency may require sidewalks for pedestrian safety in the parking areas of the lot, to discourage uncontrolled cross-traffic, and to encourage the directing of the flow of traffic within the circulation system, aisles and driveways on the plan.

B. Outdoor lighting

1. All lighting shall conform with the Illuminating Engineering Society Handbook, most recent edition, and the American National Practice for Roadway Lighting (RP-8) approved by the American National Standards Institute (ANSI), most recent edition.
2. The average maintained illumination and the average level-to-minimum point ratio of illumination shall conform with the following:

Classification	Average Maintained Illumination (foot-candles)	Average Level-to-Minimum Point Ratio
Interior streets, residential	0.4	8:1

Access drives, residential	0.4	8:1
Access drives, commercial	0.6	6:1
Parking area, residential	0.4	6:1
Parking area, industrial	0.6	4:1
Intersections	1.0 to 2.0	4:1
Sidewalks, residential	0.2	8:1
Sidewalks, commercial	0.6	6:1
Sidewalks, industrial	0.6	6:1

3. Mounting heights shall not exceed twenty (20) feet above grade. Lower heights shall be used for walkways.
4. The source of light shall be metal halide or other material approved by the approving agency.
5. All luminaires shall be shielded to eliminate glare, especially on any other property and public streets off the site. Lamps shall be recessed in the luminaire.
6. Luminaires should be manufactured by a major manufacturer of illumination equipment.
7. The maximum illumination at any point on adjacent properties shall not exceed two-tenths (0.2) foot-candle.
8. In commercial business, office and industrial areas, circuits shall be arranged so that at least fifty percent (50%) of all lighting (alternate luminaires) shall be turned off after business hours, when only lights necessary for security purposes shall be left on.
9. The average maintained illumination for security purposes shall be four-tenths (0.4) foot-candles.
10. Provisions shall be made to shield illumination of loading berths or spaces, entrances and other special areas where greater illumination may be required. Each special area shall be on a separate circuit which shall be turned off when the area is not in use.

11. All wires and cables shall be underground.
12. The lighting plan shall be designed by an experienced lighting designer who shall certify that the lighting plan conforms with these standards. The detailed lighting plan, luminaire manufacturer's details and illumination diagrams and specifications shall be submitted to the approving board for review.
13. The approving agency may modify the above requirements where there is sufficient evidence said requirements are inapplicable, unnecessary or unreasonable.

C. Architectural screening of mechanical equipment

Architectural screening of any mechanical equipment on the roof or outside of any building shall be installed so as to screen the mechanical equipment from view. "Architectural screening," for purposes of this provision, shall be deemed to mean the use of the metal, stone or other relatively maintenance-free material in the slats or other design so as to screen and prevent the direct view of the mechanical equipment. The term "mechanical equipment" includes any fans, air-conditioning equipment, compressors, heating equipment and any other equipment of any kind.

D. Driveways

1. Location of driveways

- (a) The number and location of entrance and exit driveways to a road shall be designed so as to afford maximum safety to traffic on any road, as determined by the approving agency.
- (b) Any exit driveway or driveway lane shall be so designed in profile and grading and shall be so located to permit, wherever possible, the following recommended minimum sight distance measured in each direction along any road; the measurement shall be from the driver's position of a vehicle standing on that portion of the exit driveway that is immediately contiguous to the traveled way or shoulder of any road.

<u>Allowable Speed on any Road (MPH)</u>	<u>Sight Distance (feet)</u>
25	150
30	200
35	250
40	300
45	350
50	400
55	450

- (c) Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within twenty (20) feet where a curb return of the street intersection and curblines meet.
- (d) No entrance or exit driveway shall be located on the following portions of the road: on a rotary, traffic circle or jughandle; on a ramp of an interchange; or within twenty (20) feet of the beginning of any ramp or other portion of an interchange.
- (e) Where two (2) or more driveways connect a single site to any county or state road, a minimum clear distance of fifty (50) feet measured along the right-of-way shall separate the closest edges of any two (2) such driveways.
- (f) In addition, if the site is abutting a road for which a traffic control plan has been adopted, the approving board may specify that driveways or other site plan features incorporated in a site plan for which plan approval is sought shall conform in location and design to the provisions of the adopted traffic control plan. To differ from the adopted traffic control plan, approval of the appropriate state agency may be required.

2. Driveway angle.

Driveways intended for vehicles going onto a road shall intersect the road at a horizontal angle as near to ninety degrees (90E) as site conditions will permit and in no case shall be less than sixty degrees (60E) unless acceleration and deceleration lanes are provided.

3. Driveway grading

Where possible driveway intersections with any roadway shall not have a grade that exceeds one and one-half percent (1.5%) from the roadway curblineline for a minimum distance of thirty-five (35) feet from the curblineline and measured along the center line of the driveway or the center of the driveway if there is no center line.

4. Curblineline openings and aprons

The dimensions of curblineline opening, aprons and driveways shall be designed to adequately accommodate the volume and type of vehicles anticipated to be generated by the site development. See Illustrations #27 and #28.

5. Acceleration and deceleration lanes

Whenever necessary to safely and efficiently accommodate the ingress or egress of traffic on a busy or high speed road, the approving agency may require acceleration and deceleration lanes to be provided. If required by the approving agency, the acceleration lane and deceleration lane shall be provided by written agreements with all necessary easements from adjacent owners so as to provide common entrances and exits with acceleration and deceleration lanes.

6. Deeds for road widenings

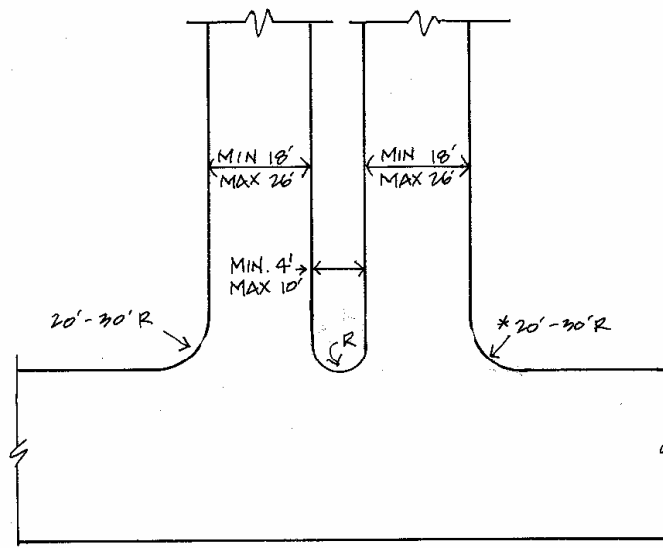
Where widening of a public rights-of-way is required to comply with the foregoing requirements, appropriate deeds of ownership or easements shall be delivered by the applicant.

E. Traffic control devices

All traffic markers, traffic signs, traffic signals and traffic control devices on all sites in any business zone and all sites in all districts other than one-family and two-family residential districts shall be constructed, erected, delineated and maintained in accordance with the standards, regulations, and requirements set forth in the Manual on Uniform Traffic Control Devices prepared by the United States Department of Transportation, Federal Highway Administration

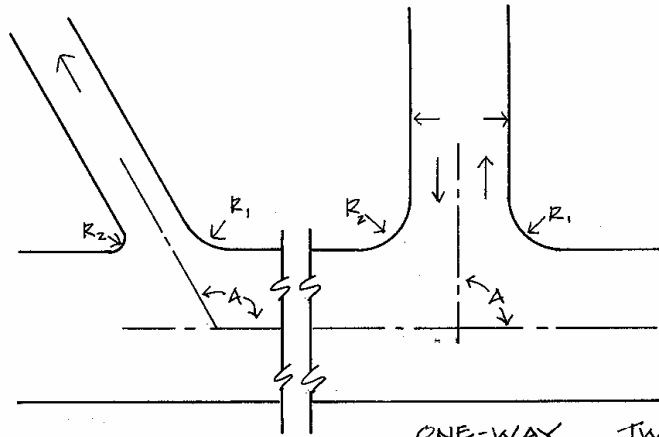
ILLUSTRATION 27: COMMERCIAL DRIVEWAYS  
(WITH SEPARATING ISLAND)

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\* PLANNING BOARD DISCRETION

ILLUSTRATION 28: COMMERCIAL DRIVEWAYS  
(WITHOUT SEPARATING ISLAND)



		ONE-WAY	TWO-WAY
INTERSECTING ANGLE	A	60° - 120°	60° - 120°
DRIVEWAY WIDTH	W	18' - 30'	20' - 30'
* ENTERING RADIUS	R <sub>1</sub>	10' - 30'	5' - 30'
* EXITING RADIUS	R <sub>2</sub>	10' - 30'	10' - 30'

\* PLANNING BOARD DISCRETION

(1971) or the Manual on Uniform Traffic Control Devices, prepared by the New York State Department of Transportation, as the same now exists and as the same may from time to time be interpreted and amended.

F. Water, sewage and drainage facilities

1. Water mains, culverts, storm sewers, detention basins and other drainage installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development.
2. Sanitary sewer facilities shall be constructed and installed in accordance with the sanitary sewer system of the City as proposed, and the developer shall install said facilities in conformity to such system, although a connection to an existing main is not presently available. If, upon examination, the Plumbing Bureau shall find that the plans and specifications submitted by the developer are in accordance with applicable policies and standards of the City as promulgated, governing construction and installation of sanitary sewer facilities, he or she shall so certify. The construction and installation of sanitary sewer facilities shall be subject to inspection and approval by the City Engineer, who shall be notified by the developer at least twenty-four (24) hours prior to the start of such construction. No underground sewer installation shall be covered until inspected and approved by the Plumbing Bureau, and a photographic record made by the applicant.
3. The approving agency may require upon the request of the City Engineer as part of the site plan approval that the applicant or owner dedicate to the City of Yonkers any easement not greater than fifteen (15) feet wide for access to any sewer pipe that is under or to be placed under any portion of the lot under construction for site plan approval.
4. The applicant or owner may dedicate to the City of Yonkers a drainage easement if the site is to contain an open channel for drainage or any brooks or drainage pipes or facilities. All drainage easements, except for brook drainage easements, shall be not less than fifteen (15) feet wide for access to any storm sewer pipe that is under or is proposed to be placed under any portion of the lot under consideration for site plan approval. A drainage easement for a brook shall be for the area of the brook itself on the applicant's property and for a width on the applicant's property that is sufficient to provide a minimum of ten (10) feet of approximate level ground parallel with the brook to work within for brook clear-



ance of the removal of obstructions in the brook or on its bank. The City may require a greater width if it is reasonably required for access and maintenance in easement area or if the State of New York or any of its agencies or the County of Westchester requires a greater width.

5. Any sewer or drainage easement shall be in writing and in recordable form and provide the City with the right to enter upon the easement area at the City's option to repair or maintain the sewer pipe and facilities within the easement area. The easement shall also contain a provision prohibiting the construction of any building or other structure on or over the sewer easement. The easement shall also contain a provision permitting the owner of the property to reroute the sewer or drainage easement in the future with the approval of the all the agencies having jurisdiction thereof, provided also that a sewer or drainage sewer easement replacing the original easement is conveyed to the City of Yonkers. The form of the easement in every case shall be such that is in form satisfactory to the Corporation Counsel and the approving agency.

G. Other utilities

Prior to the granting of final approval, the developer shall have arranged with all serving utilities, including, without limitation, electric, gas and telephone utilities, for the underground installation of the utilities' distribution supply lines, and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New York Board of Public Utility Commissioners, and shall submit to the approving agency prior to the granting of final approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that the approving agency in its sole discretion may permit developments on lots which abut existing streets where overhead utility distribution supply lines have theretofore been installed on any part thereof to be supplied with electric and telephone service from such overhead lines or extension thereof, but in such event the service connection from such overhead lines shall be installed underground.

H. Shade trees, buffering, screening and landscaping

1. Shade trees shall be provided in accordance with the requirements and standards of Chapter 80 (Shade Trees) of the City Code.

2. All portions of lots subject to site plan review under Article IX of the Chapter which are not used as locations for buildings, structures, parking lots, loading spaces, sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as a part of the site plan.
3. Any application to construct or alter any building or structure or to establish any use in any non-residential district or any non-residential use in any district shall include provisions for a buffer screening area at least five (5) feet in width along any lot line abutting a lot in a residential district, unless otherwise specified in this chapter.
4. Any application to construct a development of multi-family dwellings shall include provisions for a buffer screening area at least five (5) feet in width along any lot line within or abutting a residential district. These requirements may be waived by the approving agency in situations where it determines that adjoining land uses, topographic features or existing vegetation satisfy the same purpose. The approving agency may allow the substitution of a wall or fence of location, height, design and materials approved by it, and meeting the requirements of §43-41D for part or all of the required planting. Where such a buffer screening area is required, it shall be of evergreen planting of such type, height, spacing and arrangement as in the judgment of the approving agency will screen the activity involved from the neighboring residential area. Non-evergreen planting may seasonally supplement evergreen planting but shall not take its place. The plan and specifications for such planting shall be filed with the plans for the use of the lot.
5. All required landscaping shall be properly trimmed and maintained in good condition at all times.

§§43-122 through 43-126 (Reserved)