



Site Plan Review

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Designating a review board

Governing board may retain review authority or delegate authority to review some or all uses to another board

- Planning board
- Zoning board of appeals as “original” jurisdiction
- Other authorized boards

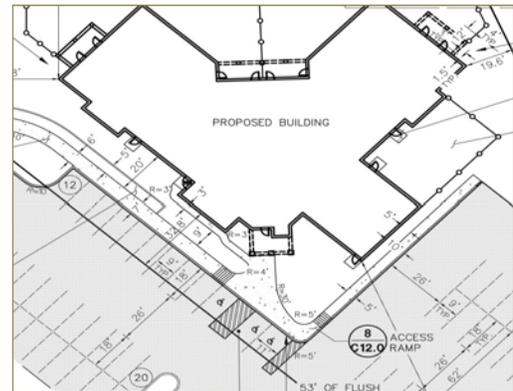
Once delegated,
decisions are **not**
appealed to the
governing board

Site plan defined

Rendering, drawing, or sketch prepared to specifications, containing necessary elements (listed in zoning ordinance or local law), **which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on plan**

General City Law §27-a
Town Law §274-a
Village Law §7-725-a

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Focus on single piece of property

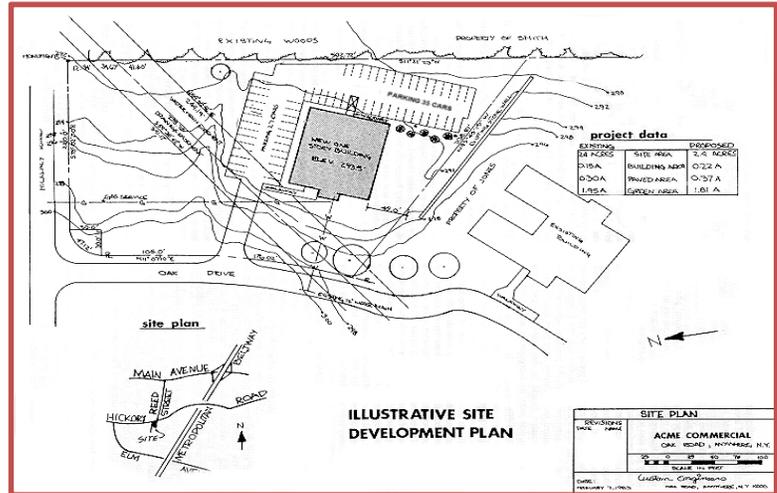
- Can be used without zoning
- Applicable to many uses
- Projects may range in size
- Change in use may trigger review
If provided for in local law
- Should be considered for
accordance with comprehensive
plan

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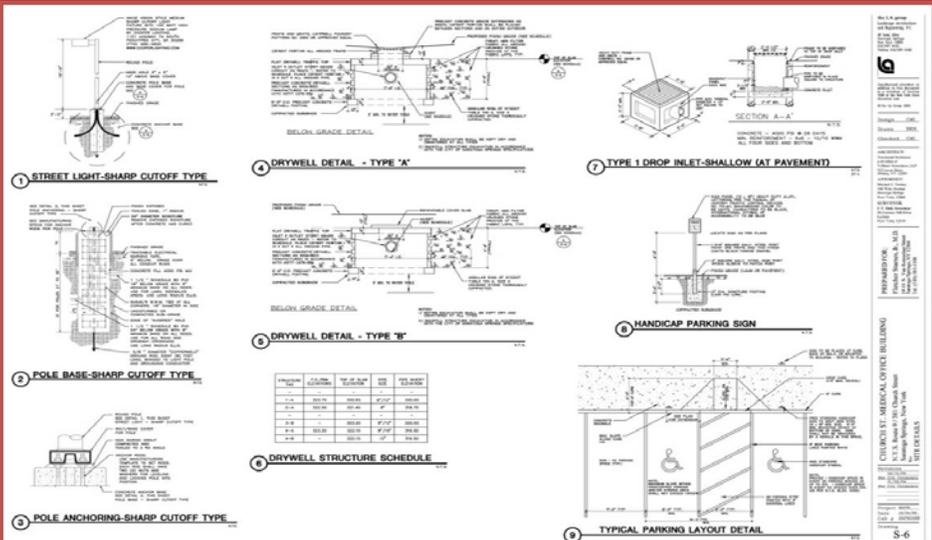
Site plan layout & materials

- ☐ Survey map
- ☐ Location map
- ☐ Scale
- Physical features
- Existing & proposed:
 - ☐ Buildings
 - ☐ Roads & site access
 - ☐ Parking & loading
 - ☐ Water & sewer
 - ☐ Stormwater
 - ☐ Other utilities

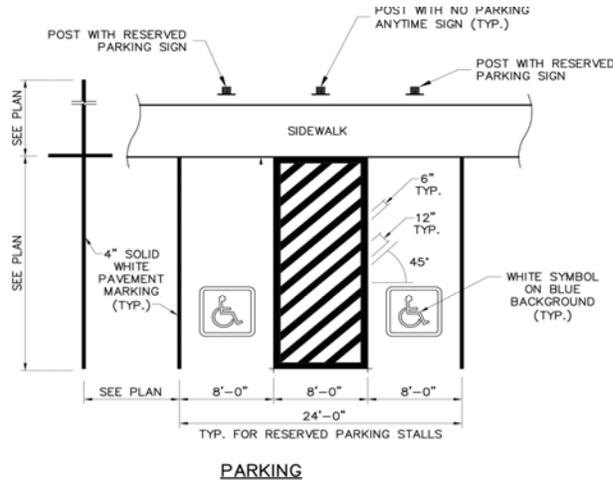


Sample detail sheet

- Utilities
- Stormwater
- Parking
- Landscaping
- Access
- Sidewalks
- Signage
- Lighting

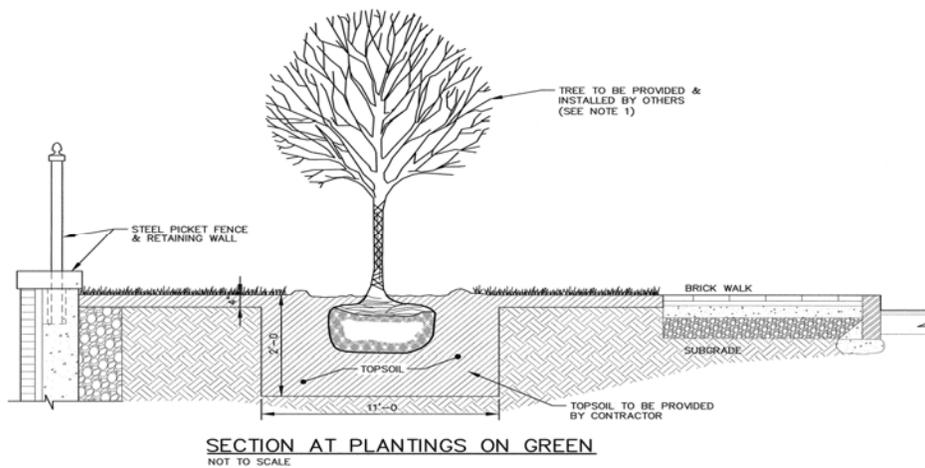


Parking detail

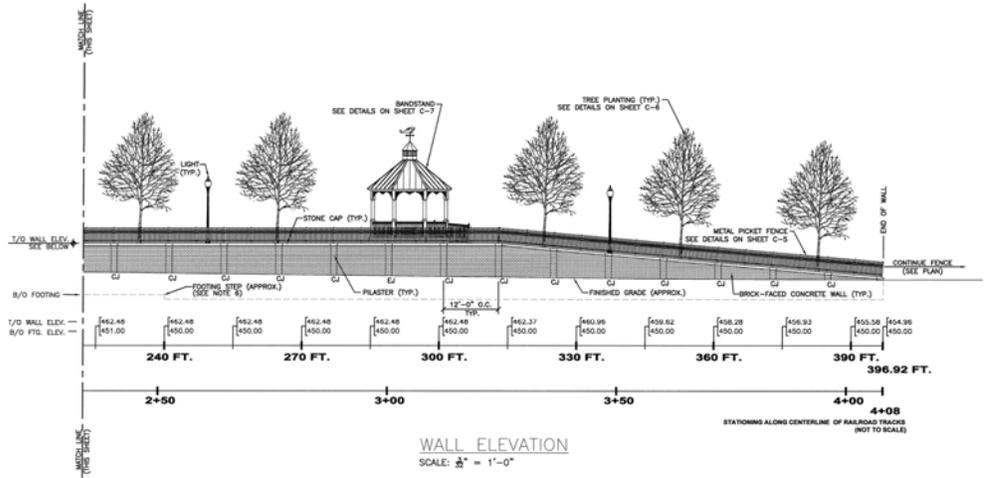


2 RESERVED PARKING STRIPING & SIGNAGE

Tree & sidewalk detail



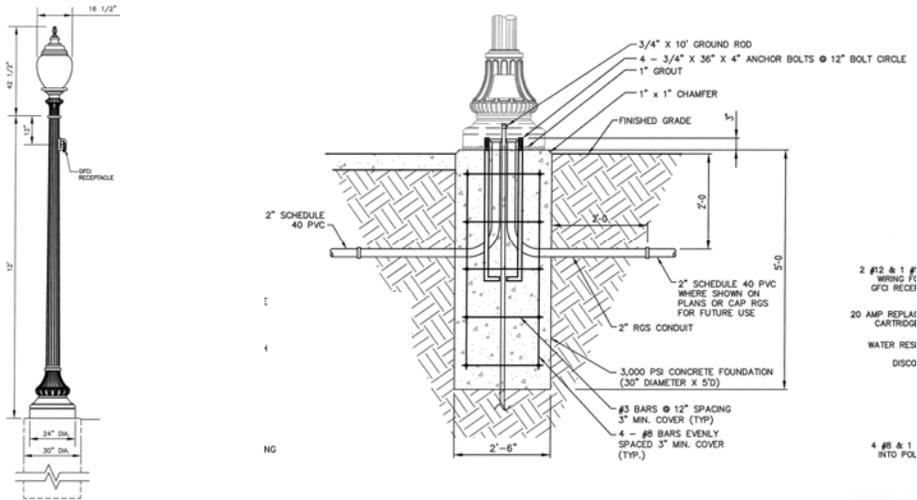
Landscaping detail



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Lighting detail



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Local site plan review regulations

- Specify uses requiring site plan approval
- Specify review board
- Indicate who will enforce conditions
- Specify submission requirements
- List local procedures
 - Public hearings not required by statute
- List elements or criteria for review

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Uses subject to review

Certain uses throughout community

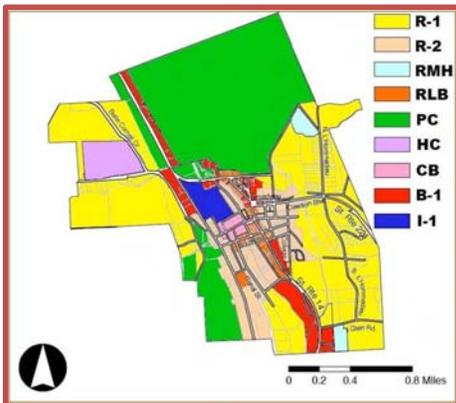


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Uses subject to review

Certain zoning districts



Uses subject to review

Certain uses in overlay zones



Examples of elements for review

- Proposed grades & contours
- Sewage & storm drainage
- Utilities
- Traffic, access & parking
- Building placement
- Architectural features
- Lighting & signage
- Screening & landscaping
- Relationship with adjacent uses

Only elements specified by governing board by law or ordinance

Review elements

Grading & contouring
Stormwater & erosion control



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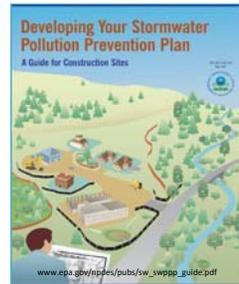
Review elements

Storm water pollution prevention plan (SWPPP)

- Reduce runoff rate & volume
- Remove pollutants from runoff generated on development sites

Natural alternatives to engineered systems:

- LID (Low Impact Development): preserve natural drainage features & patterns
- Green Infrastructure: use vegetation & soil to manage rainwater where it falls

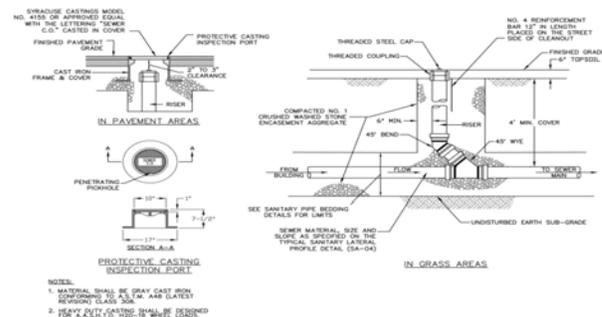


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Review elements

Utilities



6 SANITARY LATERAL CLEANOUT

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Review elements

Traffic impacts



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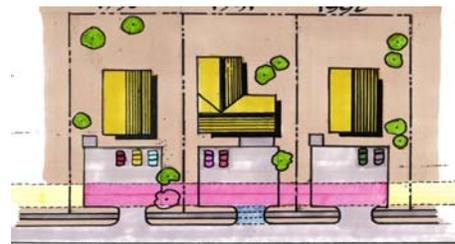
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Land Use	≥100 Peak Hour Trip Thresholds
Single Family Home	95 residential dwelling units
Apartment (renter occupied)	150 residential dwelling units
Condominium/Townhouse (owner occupied)	190 residential dwelling units
Mobile Home Park	170 residential dwelling units
Shopping Center	6,000 square feet (gross floor area)
Fast Food Restaurant with Drive-in	3,000 square feet (gross floor area)
Gas Station with Convenience Store	7 fueling positions
Bank with Drive-in	3,000 square feet (gross floor area)
General Office	67,000 square feet (gross floor area)
Medical/Dental Office	31,000 square feet (gross floor area)
Research and Development Facility	73,000 square feet (gross floor area)
Light Industrial/Warehousing	180,000 square feet (gross floor area)
Manufacturing Plant	149,000 square feet (gross floor area)
Park-and-Ride Lot with Bus Service	170 parking spaces
Hotel/Motel	250 rooms

Review elements

Access management

- Limit access points
 - Increase spacing
- Sight distance
- Intersections
- Side road access
- Internal roads
- Parallel access roads



Limit Access : Parallel Road

Review elements

Ingress & egress



Review elements

Parking & internal traffic patterns



Review elements

Pedestrian friendly parking placement

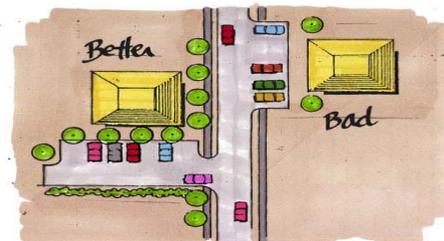
This is not what we mean by parking in the rear of the building



Review elements

Pedestrian friendly parking placement

- In many places, cars are the priority
 - Not people
- Better building orientation
 - Pedestrian friendly
 - Scale
 - Visual interest
 - Access



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Review elements

Pedestrian friendly

- Architectural features
- Building orientation



Review elements

Pedestrian friendly internal circulation



Review elements

Lighting & noise



Review elements

Landscaping, buffering & snow storage



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Community resilience

“The ability of a system to withstand shocks and stresses while still maintaining its essential functions.”



Resilient Communities:

- Are familiar with their natural hazards
- Are prepared for them
- Recover quickly when they occur



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Resilience planning

Considers multiple systems to create vital communities:

- A holistic approach
- New neighborhoods and relocations
- Infrastructure modification and backup

Expand, conserve or revitalize natural protective features:

- Storm damage benefits
- Environmental benefits
- Quality of life benefits for residents and visitors



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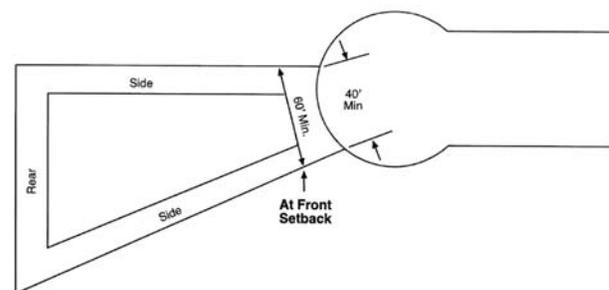
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Area variance review by ZBA

- Relief from dimensional requirements of zoning for lot or structure
- Planning board may make recommendations
 - Informal
 - Formal by local law

CUL-DE-SACS



Note: Area variances associated with a subdivision require a written recommendation from planning before variance approval

Direct appeal

- Area variance application may be made by applicant to ZBA without official “denial” from zoning enforcement officer
 - Application for AV may be made before, during or after site plan approval
(Figgie International Inc. v. Town of Huntington, 1994)

Note: Area variances associated with a subdivision require approval before subdivision plat approval

SEQR compliance

- Must complete SEQR before making final local decision
- Require Environmental Assessment Form (EAF) with application submission
- Establish lead agency if coordinated review
- Make determination of significance
 - Positive (EIS required) or negative declaration
- “Complete application”
 - Negative declaration issued
 - Positive declaration issued and Draft Environmental Impact Statement (DEIS) accepted for public review
 - NYCRR Part 617.3

Public hearing

- Not statutorily required, but could be required locally
- Hold within 62 days of “complete application” (SEQR)
- If DEIS hearing, hold in conjunction with SP hearing
- Open Meetings Law
- Publish legal notice in newspaper of general circulation at least 5 days prior
 - Extend to at least 14 days when DEIS hearing
- Mail notice 10 days prior:
 - Applicant
 - County planning (GML 239-m) if applicable
 - Adjacent municipality (GML 239-nn) if applicable

County referrals GML §239-m

Must be referred to County Planning Agency if within 500 feet of the boundary of:

- Municipality
- State or county park or recreation area
- R-O-W of state or county road
- R-O-W of county-owned stream or drainage channel
- State or county land on which a public building is located
- Farm operation in a state agricultural district
 - Except for area variances

Notice to adjacent municipalities

- GML § 239-nn requires notice of public hearings held for approvals on property within 500 feet from municipal boundary for:
 - Site plan review
 - Special use permit
 - Subdivision review
- Notice clerk of adjacent municipality at least 10 days prior to public hearing by mail or email

Ability to place conditions

- “...directly related to and incidental to a proposed site plan”
- For example:
landscaping; drainage



Waiver of requirements

Review board may waive submission or permit requirements if:

- Authorized by governing board
- Deemed unnecessary in interest of public health, safety or general welfare or inappropriate to particular property



Example: Waiver of screening with existing natural buffer

Parkland

Land or money in lieu of parkland for residential recreation needs



Security agreements

If improvement will not be installed prior to issuance of certificate of occupancy, be sure to get a security agreement

- Cash in escrow
- Performance bond
- Letter of credit



Decision and appeals

- Must render within 62 days after close of hearing
- File with municipal clerk within 5 business days
 - 30 day statute of limitations for appeal
- Decisions are not appealed to governing board
- Aggrieved parties may file appeals under Article 78 Civil Practice Law and Rules
 - NYS Supreme Court
 - Appellate Division
 - Court of Appeals

Enforcement

- Authorize zoning or code enforcement officer to enforce site plan is completed as agreed & any conditions imposed
- Could be stated in site plan local law, zoning code, or statement of CEO/ZEO duties



Require that approval conditions must be met to extent practicable prior to issuance of certificate of occupancy or compliance

New York Department of State

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