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

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
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

SECTION AT PLANTINGS ON GREEN

A Division of the New York Department of State
Landscaping detail

Lighting detail
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

Uses subject to review

Certain uses throughout community
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
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

Review elements

Utilities

SANITARY LATERAL CLEANOUT

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## Review elements

### Traffic impacts

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

Access management

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

Ingress & egress
Review elements

Parking & internal traffic patterns

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

Review elements

Pedestrian friendly
- Architectural features
- Building orientation
**Review elements**

Pedestrian friendly internal circulation

Lighting & noise
Review elements

Landscaping, buffering & snow storage

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
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

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

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

(518) 473-3355 Training Unit
(518) 474-6740 Counsel’s Office
(800) 367-8488 Toll Free

Email: localgov@dos.ny.gov
Website: www.dos.ny.gov
www.dos.ny.gov/lg/lut/index.html