



Review Board Procedures

THE WHO, WHAT & HOW TO ACHIEVE DEVELOPMENT SUCCESS

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Open Phone Camera; Focus on QR Code (at right)

We'll Be Using a Live Poll!

CONNECT TO PARTICIPATE





Introductions

NICE TO MEET YA!



John Steinmetz, FAICP



Molly Gaudioso, AICP

About Us!

- Planning Nerds
- Zoning Geeks
- Former Municipal Planners
- Former Review Board Volunteers

Our Experience

- 50+ Comprehensive & Long-Range Planning Efforts
- 40+ Zoning & Land Use Regulation Projects
- 13+ Joint Planning & Zoning Updates
- 300+ Public Meetings & Workshops

Who's in the Zoom?

Planning Board or Commission Member

Zoning Board of Appeals Member

Legislative Board Member

Municipal Staff (CEO, Planner, etc.)

Other

In what type of municipality do you serve?

Town

Village

City

County

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#GOALS

- Increase understanding of your role, powers, and parameters of influence
- Help you get the results you want from new development with local tools



The Why

YOUR VISION & LOCAL REGULATIONS

LOW & MEDIUM DENSITY NEIGHBORHOODS

On the CES map (page 69) the low-density neighborhoods appear in light yellow, labeled #3, and the medium density neighborhoods are shown in dark yellow, labeled #4. Both character areas are comprised predominantly of single-family, detached homes. They differ, however, in streetscape, building design and density.

Generally, the medium density areas represent the traditional grid-like settlement pattern of the Village, with older homes on smaller lot sizes than those found in the low-density area. Because low density neighborhoods were developed primarily in the latter half of the 20th century, they exhibit suburban design features, with larger homes on larger lots and limited sidewalk connectivity. A comparison chart of typical low and medium density neighborhood characteristics is provided below.

Feature/Amenity	Low Density	Medium Density
Lot Size	Over 18,000 sq ft	Under 18,000 sq ft
Lot Width	Over 100 ft	Under 100 ft
Garage	Detached	Attached
Sidewalk	Minimal	Extensive
Street	Wide	Narrow

SIS APPROACH

Preserve historic characteristics over time, through consistent and historically accurate maintenance and repairs.



TRANSECT ZONE



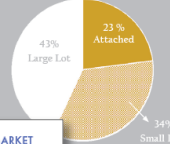
ENHANCEMENT STRATEGIES

- Preserve the traditional character of existing residential neighborhoods.
- Improve connectivity of existing neighborhoods with downtown and other activity locations by extending sidewalks in the low-density neighborhood areas.
- Require sidewalks and "complete street" concepts with all projects.
- Identify infill development opportunities and ensure that projects are consistent with surrounding neighborhood characteristics (housing style, lot size).

A Shift in Housing Preferences

Throughout the 20th Century the majority of home purchases were made by families looking for large single-family dwellings for their growing families. However, home buying trends are radically shifting from these traditional preferences. Over one third of US households in 2011 were looking for small-lot homes. The existing supply of homes at the time did not meet demand. This gap between supply and demand may widen significantly as housing preferences continue to trend toward denser neighborhoods.

2018 Pittsford Village Housing Supply



That many of the homes within the Village are large-lot homes. This indicates that there is an attractive place to raise a family moving into the future. (Source: Metrolink American 2018)

NATIONAL CONTEXT

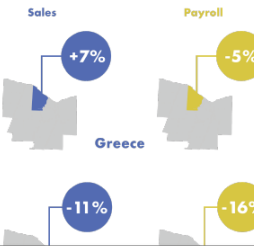
The shifts in the retail market that Greece is experiencing is a reflection of what is occurring across the country. Shifting preferences regarding spending behavior has led to the decline of many forms of retail shopping, most notably regional malls that gained popularity in the early 1980's. E-commerce has generally replaced trips to a brick-and-mortar retail storefront, despite accounting for only about 10% of retail sales (Figure 8). To add to this, consumers are increasingly interested in purchasing "experiences" over commercial goods. These trends have resulted in American consumers becoming increasingly interested in the retail experience of malls and big-box stores, indicating a need for a shift in retail development across the nation, including within the Town of Greece.

E-Commerce Retail Sales as a Percent of Total Sales



"ONLY ONE LARGE NEW MALL HAS OPENED IN THE U.S. SINCE 2007."

Retail Shifts by Town (2007-2012)



Regional Role

Greece has historically been a major retail center for southwestern Monroe County, as well as for communities in adjacent counties. Greece comprises 10% of retail sales for Monroe County and has remained a relatively consistent percentage of total county retail sales for the past two decades.

While Greece's retail sales increased the overall decline in retail sales may raise concerns about Greece's continued role as a retail hub in the region, however many other towns with significant retail development have been experiencing a similar



Policies & Programs

1 CREATE BRANDING & MARKETING STRATEGY

The branding and marketing strategy for the Village should highlight a healthy mix of activities and attractions that reflect different aspects of its identity. This may include, but is not limited to, the Village's history, nearby natural amenities, cultural heritage, recreational opportunities, and quality goods and services. A multibranched showcase of unique places to see and things to do will keep people coming back.

Listed below are some suggestions for topics, items, and activities for the Village to highlight in its branding and marketing initiatives.

- The Village's connection to the creation of J&J-O
- Shopping and dining opportunities
- Proximity and access to regional multi-use trails
- Waterfront access
- Festivals and events

The Village should use the branding materials developed as a part of this action item in all future web and print materials. This includes updating the Village and/or LeRoy Business Council website, creating and/or updating social media pages, and designing print resources. The consistent use of these updated branding elements will help promote the Village in an attractive and cohesive manner.



Marketing materials such as the LeRoy Business Council's website (below), should promote local events and recreational attractions in the Village, such as the pedal boats along Oatka Creek (above).



2 PROMOTE MIXING OF USES DOWNTOWN

Mixed use is simply defined as a building or development pattern that consists of a variety of uses in close proximity to each other. A mixed use building may have the ground floor occupied by a retail store while the upper floors are used as apartments. A mixed use district allows restaurants, retail, office, and residential uses to coexist.

The combination of uses in Downtown LeRoy will create a vibrant Main Street atmosphere that extends into the evening hours and enables shared uses of resources such as parking.

As new development occurs in the Downtown area, the Village should not only update its existing Zoning Code to ensure that the mixing of uses is permitted downtown, but also partner with local organizations to attract and retain more businesses.



Mixed use development can help contribute to the Village's triple bottom line by providing societal, environmental, and economic benefits.

The Market Assessment completed for this WORS also includes recommendations for business attraction and expansion programs, such as establishing a resource for business development or initiating small business training. A more complete listing of these recommendations is provided in the Appendix.

Planning is Just the Beginning

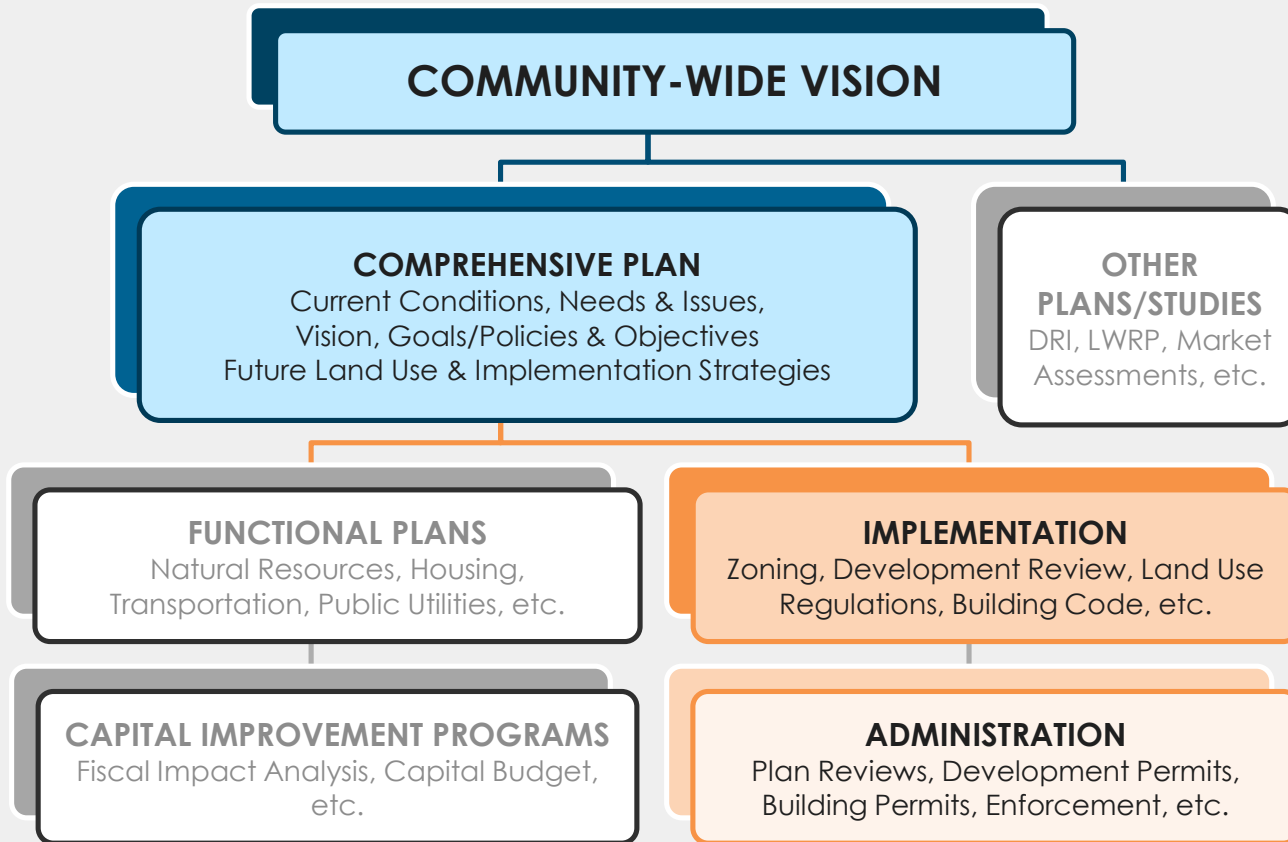
Snapshots of Plans We've Completed...

TOP: Village of Pittsford 2019 Comprehensive Plan

MIDDLE: Town of Greece 2019 Master Plan

BOTTOM: Village of LeRoy 2018 Waterfront & Downtown Revitalization Strategy

Plans Set Policy & Inform Law





**“All [municipal] land use regulations must be
in accordance with a comprehensive plan
adopted pursuant to this section.”**

NYS GENERAL CITY LAW § 28-A

NYS TOWN LAW § 272-A

NYS VILLAGE LAW § 7-722

Spectrum of Control



No Local Regulation



Some Local Regulation



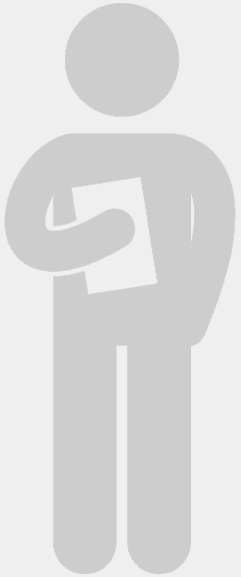
Heavy Local Regulation

HOW MUCH INFLUENCE DO YOU HAVE? HOW MUCH DO YOU WANT?



What's Your Vision?

COMMUNITY PREFERENCE SURVEY (CPS)



Select your preferred image based on. . .

- ✓ Building Scale / Location
- ✓ Building Design
- ✓ Landscaping / Screening
- ✓ Parking
- ✓ Signage
- ✓ Etc.

THIS?

OR

THAT?

Why a CPS?

- Determine your attitudes towards different types of development
- Get you thinking about the character of your community today versus its potential

Multi-Family Residential



A



B

MF Residential: Which do you prefer?

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Commercial



A



B

Commercial: Which do you prefer?

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Mixed-Use



A



B

Mixed Use: Which do you prefer?

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The Who, What & How

YOUR ROLE, POWERS & PROCEDURES



Your Level of Influence

GOOD NEWS

- You play an important role in the development review process
- Your decisions may protect character and quality of life of your community
- Some of you have the ability to effect change above and beyond the Code

Provided Some Discretion:

- + Legislative Body
- + Planning Board/Commission

BAD NEWS

- Mismanagement of the development review process could hinder investment
- Your decisions could permit detrimental actions to your community's vision
- Some of you are more limited in the way you can effect desired change

Limited by Law:

- + ZBA
- + Code Enforcement

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Variances

CONTEXT & EXAMPLES

Variances

■ Who?

- + Zoning Board of Appeals (required)

■ What are the triggers?

- + CEO denies application that doesn't meet code requirements
- + Technically an “appeal”
- + Variances are a reality for **ALL** types of codes per NYS Law (Form based, traditional, hybrid, etc.)

■ Types of Variances...

- + **AREA** - “Due to the **physical conditions of my property** I am incapable of meeting your requirements.”
- + **USE** - “I'd like to **do something (a use)** you don't allow (and generally don't want).”



Area Variance

“Due to the physical conditions of my property I am incapable of meeting your requirements.”

ADDITION TO HOME – Doesn't meet side setback requirement

■ **AREA: Review Criteria – Set by NYS Law (no variation):**

- + Will it cause an undesirable change in neighborhood character, will it create a detriment to nearby properties?
- + Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district?
- + Is the requested area variance substantial?
- + Is the alleged difficulty self-created?
- + Can the benefit be achieved by some other method?

Area Variance

“Due to the physical conditions of my property I am incapable of meeting your requirements.”

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Which question is within the ZBA's purview?

Will the addition include more bedrooms?

What will the design of the addition look like?

Have you considered a smaller size or different location?

How is your relationship with your neighbor?

All of the Above

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RETAIL PROHIBITED IN R DISTRICTS

ZONING:

R-1A District

EXISTING USE:

Single-Family Home

PROPOSED USE:

Flower Shop

Use Variance

“I’d like to do something (a use) you don’t allow (and generally don’t want).”

■ **USE: Review Criteria – Set by NYS Law (no variation):**

- + They cannot realize a reasonable return on any other permitted use, demonstrated by competent financial evidence.
- + Their alleged hardship has not been self-created.
- + The requested use variance, if granted, will not alter the essential character of the neighborhood.
- + Their alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.

*** APPLICANT MUST PROVE ALL OF THESE APPLY ***

Use Variance

“I’d like to do something (a use) you don’t allow (and generally don’t want).”

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Text **MOLLYGAUDIOS040** to **22333** once to join

Which question is NOT within the ZBA's purview?

What are your planned hours of operation?

Who's going to own and operate the flower shop?

How do you plan to accommodate cars and deliveries?

Have you tried to sell your property as a residential use?

All of the Above

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■ Factors of Decision

- + Must grant **minimum variance necessary**
- + May impose conditions

■ Result of Approval

- + Permanent approval for property – **NOT** nonconforming
- + May **NOT** be revoked

Variances

“Due to the physical conditions of my property I am incapable of meeting your requirements.”

“I’d like to do something (a use) you don’t allow (and generally don’t want).”

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Special Use Permits

CONTEXT & EXAMPLES

■ Who?

- + Zoning Board of Appeals (most common)
- + Planning Board (sometimes – **best practice**)
- + Municipal Board (least common)

■ What are the triggers?

- + You select the uses subject to special use permit
- + Clearly identify in your zoning/land use law

EXAMPLE: City of Geneva 2021 Draft Code

LAND USE	LDR	MDR	SMR	MR	ADDITIONAL REGULATIONS
RESIDENTIAL					
Single- or Two-Family Dwelling	P	P	P	P	
Multi-Family Dwelling, By Conversion	-	SP	-	SP	§350-7.13
Multi-Family Dwelling, Up to 6 Units	-	P	-	P	§350-7.13
Multi-Family Dwelling, 7 to 12 Units	-	-	-	P	§350-7.13
Multi-Family Dwelling, Over 12 Units	-	-	-	SP	§350-7.13
Fraternity or Sorority House	-	SP	SP	SP	-
Bed and Breakfast or Short-Term Rental	SP	SP	SP	SP	§350-7.7 & 7.17
Home Occupation (including Day Care)	P	P	P	P	§350-7.12
Hospice, Nursing Home, or Assisted Living	-	SP	-	SP	-

Special Use Permits

“I’d like to do something (a use) that may be okay if I meet certain criteria.”



ADDRESS: 193 S 1st Street
ZONING: C2 District
PROPOSED USE: Auto Body Repair Shop
SUP TRIGGER: §640-16

Special Use Permits

“I’d like to do something (a use) that may be okay if I meet certain criteria.”

Special Use Permits

“I’d like to do something (a use) that may be okay if I meet certain criteria.”



ADDRESS: 193 S 1st Street
ZONING: C2 District

PROPOSED USE: Auto Body Repair Shop
SUP TRIGGER: §640-16

■ General Review Criteria

- + Adopted Plans & Studies
- + District & Use Regulations
- + Neighborhood Character
- + Intensity of Use
- + Landscaping & Screening
- + Circulation, Access & Parking
- + Traffic
- + Noise
- + Public Services & Utilities
- + General Public Health, Safety & Welfare
- + Etc.

Special Use Permits

“I’d like to do something (a use) that may be okay if I meet certain criteria.”

Which question is NOT within your purview?

How do you plan to finance the business?

What kind of services/repairs will you provide?

Are you proposing an outdoor storage area?

Do you plan to allow overnight parking?

All of the Above

Special Use Permit: How would you decide?

Approve

Approve with
Conditions

Deny

■ Factors of Decision

- + May **negotiate** for mitigating measures
- + May impose time limitations and/or require renewal
- + Make sure conditions/parameters of use are in written decision

■ Result of Approval

- + Permit for use **AS PROPOSED**; expansions/alterations require new
- + **Differs from use variance** in that a use variance is permanent

Special Use Permits

“I’d like to do something (a use) that may be okay if I meet certain criteria.”

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Site Plan Review

CONTEXT & EXAMPLES

■ Who?

- + Planning Board (most common – **best practice**)
- + Municipal Board (sometimes)
- + Planning / Zoning Staff (typically with “minor” actions)

■ What are the triggers?

- + You select the development actions subject to review
- + Clearly identify in your zoning/land use law

Site Plan Review

“I am making a physical investment to external features of my property.”

ACTION	EXEMPT	MINOR	MAJOR
CONSTRUCTION / EXPANSION / ALTERATION			
Primary Use or Structure			
Single- or Two-Family Dwelling	•		
Other Use, Up to 1,000 sf		•	
Other Use, Over 1,000 sf			•
Accessory Use or Structure ¹			
Single- or Two-Family Use, Up to 250 sf	•		
Single- or Two-Family Use, Over 250 sf		•	
Other Use		•	
Landscaping, Exterior Lighting, Mechanical Equipment, or Stormwater/Green Infrastructure			
Single- or Two-Family Dwelling	•		
Other Use		•	
Off-Street Parking / Loading Area			
10 Spaces or Less		•	
Over 10 Spaces			•
table continued on next page			

EXAMPLE: Village of Bergen 2021 Draft Code

ACTION	EXEMPT	MINOR	MAJOR
CONSTRUCTION / EXPANSION / ALTERATION			
Driveway			
Joint, Shared, or Through Residential Driveway		•	
Within Existing Curbcut	•		
Requiring New or Altered Curbcut			•
Solar Energy System (Accessory Use or Structure)		•	
Park or Playground Equipment		•	
Telecommunications Facility			•
OTHER ACTIONS			
Ordinary Repair, Maintenance, or Replacement In-Kind	•		
Interior Alteration	•		
Change of Use		•	
Amendment to Approved Site Plan		•	
Planned Unit Development District (Articles 6 & 13)			•
Demolition of Structure(s) in VCC District (over 250 sf)			•
Action Involving Utility Infrastructure		•	



ADDRESS: 2 W 1st Street & 200 Gansvoort Street
ZONING: C2 District

PROPOSED USE: Coffee Shop w/ Drive Thru
SPR TRIGGER: §640-16
 • Restaurant/Eating Establishment (B)
 • New Construction (C)

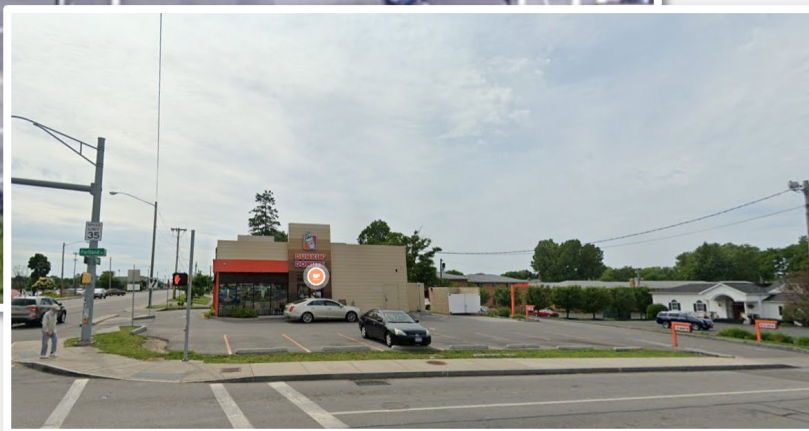
Site Plan Review

“I am making a physical investment to external features of my property.”



Site Plan A

“I am making a physical investment to external features of my property.”



■ General Review Criteria Context

- + Code requirements
- + Local Comprehensive Plan, LWRP, etc.
- + Water, sewer, drainage, lighting, etc.
- + Traffic circulation, access, and parking
- + Pedestrian and bicyclist access and circulation
- + Landscaping and screening
- + Building design and location
- + Site design and transitional treatments
- + Etc.

Site Plan Review

“I am making a physical investment to external features of my property.”

When poll is active, respond at **pollev.com/mollygaudios040**

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Site Plan A: How would you decide?

Approve

Approve with Modifications

Deny

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Site Plan B

“I am making a physical investment to external features of my property.”

When poll is active, respond at **pollev.com/mollygaudios040**

Text **MOLLYGAUDIOS040** to **22333** once to join

Site Plan B: How would you decide?

Approve

Approve with Modifications

Deny

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How You Get the “Good” Stuff

- Baseline Code Requirements
- Your Leverage in Review Process





How You Get the “Good” Stuff

- Baseline Code Requirements
- Your Leverage in Review Process

How You Get the “Good” Stuff

- Baseline Code Requirements
- Your Leverage in Review Process



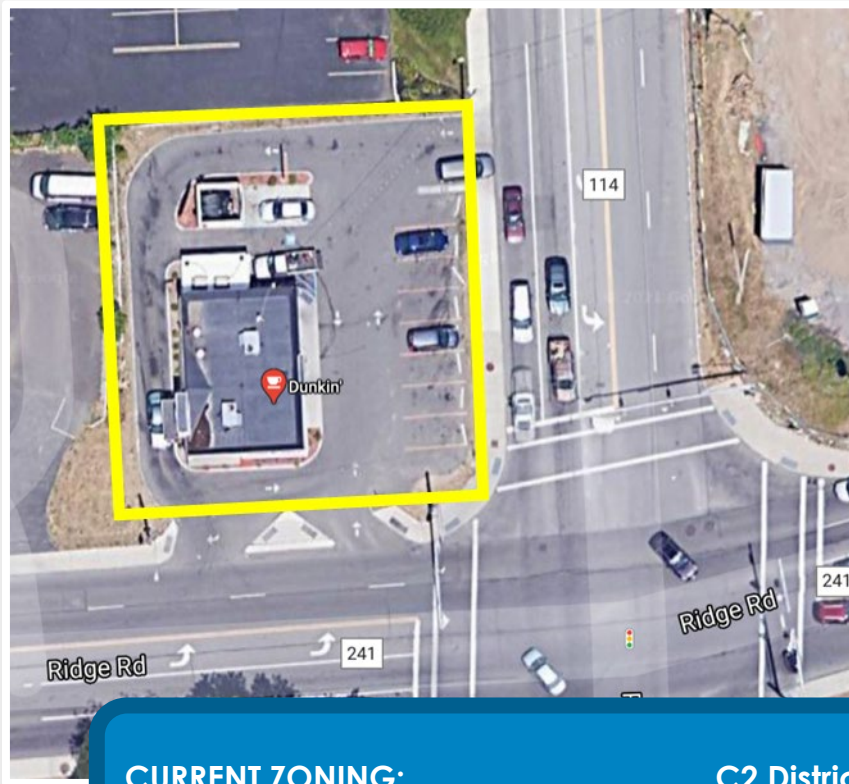
How You Get the “Good” Stuff

- Baseline Code Requirements
- Your Leverage in Review Process



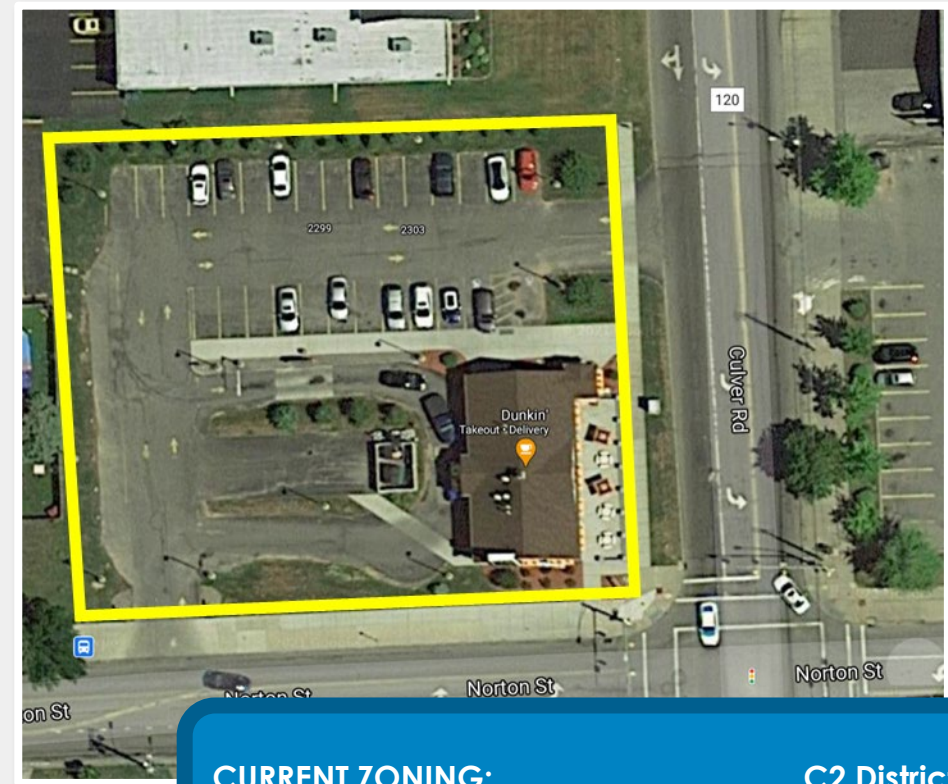
Check Limitations of Your Code...

CODE COMPLIANT (SITE PLAN A)



CURRENT ZONING: C2 District
FRONT SETBACK REQUIREMENT: 25 ft

NOT CODE COMPLIANT (SITE PLAN B)



CURRENT ZONING: C2 District
FRONT SETBACK: Area Variance Needed

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Amendments

CONTEXT & EXAMPLES

■ Who?

- + Municipal Board (required final decision)
- + Planning Board (optional advisory decision)

■ What are the triggers?

- + Legislative Board or PB notices the code doesn't jive with community's vision/plan
- + Petition by Owner(s) of at least 20% of property(s)
- + Petition by Owner(s) of at least 50% of property(s) frontage

■ Types of Amendments (Re-Zonings)

- + Text
- + Map
- + Planned Developments

Amendments

“The code doesn’t provide for this, but it may be consistent with our vision”

■ General Review Criteria

- + Defer to direction of planning documents, studies & SEQR

■ Implications of Decision

- + **YES** – We feel this will rectify a plan/code disconnect
- + **NO** – We didn't allow it for a reason; doesn't align with our vision

■ Result of Approval

- + Official adoption of a supplement to, repeal, or change of regulations to the code and/or district boundaries

Amendments

“The code doesn’t provide for this, but it may be consistent with our vision”

Text Amendments

§ 640-7

ZONING

§ 640-7

ARTICLE III Use Regulations

§ 640-7. R-1 Residential District.

- A. Purpose. The R-1 Residential District is established to provide and maintain land area for neighborhoods of single-family dwellings on large-size lots.
- B. The following use shall be permitted in any R-1 Residential District, provided that such use is in compliance with Schedule A¹ and other applicable provisions of the zoning regulations contained herein:
- (1) One single-family residential dwelling per parcel of land.
- C. The following accessory residential structures/uses shall be permitted in any R-1 Residential District, provided that such structures/uses are in compliance with § 640-13 and other applicable provisions of the zoning regulations contained herein:
- (1) One detached residential garage.
 - (2) A private swimming pool.
 - (3) A residential greenhouse.
 - (4) A residential garden/tool/storage shed.
 - (5) A deck, gazebo.
 - (6) Private tennis court.
- D. The following uses shall be permitted in any R-1 Residential District with site plan approval from the Planning Commission, provided that such use is in compliance with Schedule A and other applicable provisions of the zoning regulations contained herein:
- (1) Church or other places of worship; a religious education center, parish house, rectory, parsonage or convent.
 - (2) Public or private school accredited by the New York State Department of Education.
 - (3) Public park or playground.
 - (4) Police or fire station.
 - (5) Municipal public or private utility structure. [Added 5-5-1998 by L.L. No. 6-1998]
- E. Multi-family dwellings to single-family dwelling conversion. [Added 4-4-2018 by L.L. No. 7-2018]

1. Editor's Note: Schedule A is included as an attachment to this chapter.

§ 640-9

ZONING

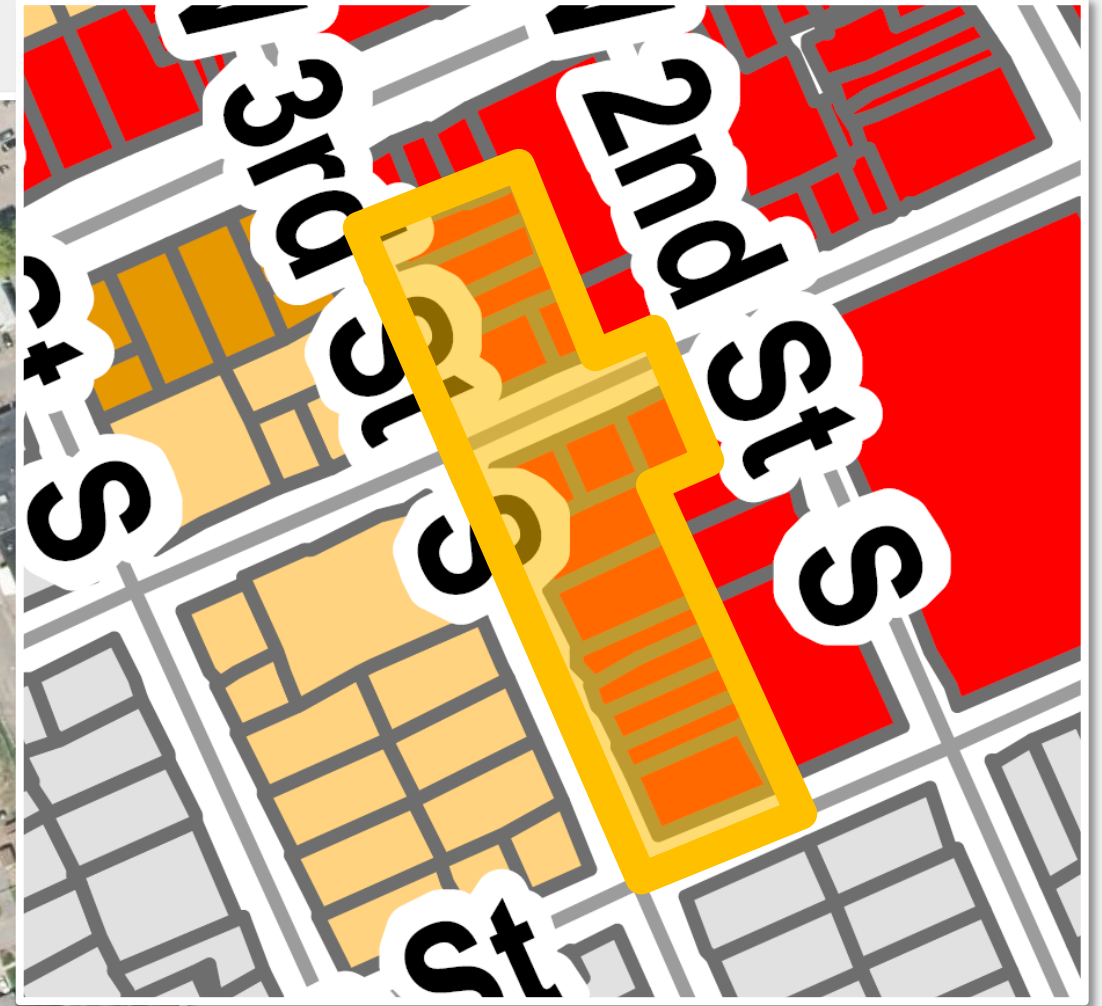
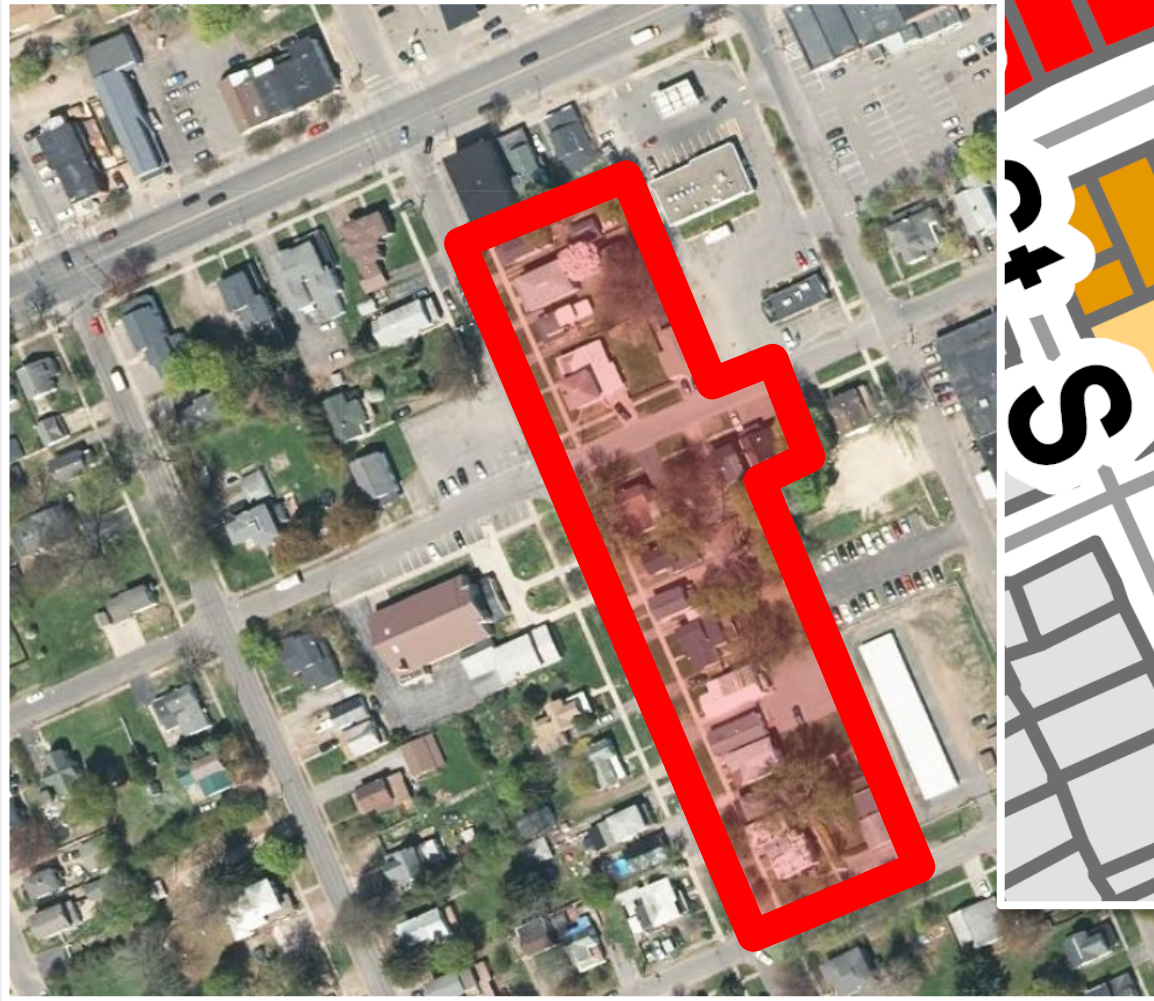
§ 640-10

- C. The following accessory residential structures/uses shall be permitted in any R-2 Residential District, provided that such structures/uses are in compliance with § 640-13 and other applicable provisions of the zoning regulations contained herein:
- (1) One detached residential garage.
 - (2) A private swimming pool.
 - (3) A residential greenhouse.
 - (4) A residential garden/tool/storage shed.
 - (5) A deck, gazebo.
 - (6) Home occupations (allowed only within an owner-occupied dwelling unit).
- D. The following uses shall be permitted in any R-2 Residential District with site plan approval from the Planning Commission, provided that such use is in compliance with Schedule A⁴ and other applicable provisions of the zoning regulations contained herein:
- (1) Hospital/nursing home.
 - (2) Professional physician/dental office.
 - (3) Funeral home.
 - (4) Municipal public or private utility structure.
 - (5) Church or other places of worship; a religious education center, parish house, parsonage or convent.
 - (6) Public or private school accredited by the New York State Department of Education.
 - (7) Public park or playground.
 - (8) Public library, art gallery or museum.
 - (9) Police, fire or ambulance station.
 - (10) Cemetery.
- E. Any proposed uses described in Subsection D herein which involve property adjacent to or fronting on the Oswego River shall also be subject to special use permit requirements as contained in Article XII of this chapter. [Added 4-1-2008 by L.L. No. 3-2008]

§ 640-10. R-2A Residential Cluster Overlay District.

4. Editor's Note: Schedule A is included as an attachment to this chapter.

Map Amendments



REZONE FROM COMMERCIAL TO RESIDENTIAL

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Wrap it Up!

FINAL THOUGHTS & FURTHER EDUCATION



The Deeper Dive...

REQUIRED ELEMENTS

- Public Hearings (NYS Municipal Law)
- State Environmental Quality Review (SEQR)
- County Referrals (NYS Municipal Law)
- Local Waterfront Consistency Review (Required if you have an LWRP)

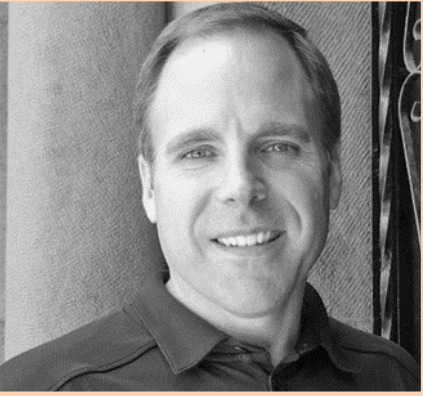
OPTIONAL PROCEDURES

- Subdivisions
- Planned Developments
- Cluster Development
- Incentive Zoning
- Historic Preservation
- Other Land Use & Development Tools...

- Update plans to reflect your current vision
- Ensure your code aligns with your plans & policies
- Clearly define triggers & review criteria
- Craft regulations that support your expectations & give you “teeth” for negotiation
- Reward the “good” and reject the “bad”
- Identify potential ways to streamline processes

Did You Zone Out?

Here are the high points!



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Planning Nerds to the Rescue

- Preliminary Code Audit
- Additional Training & Topics
- Municipal Review Assistance
- Planning, Zoning & More



Phew!

COMMENTS? QUESTIONS?