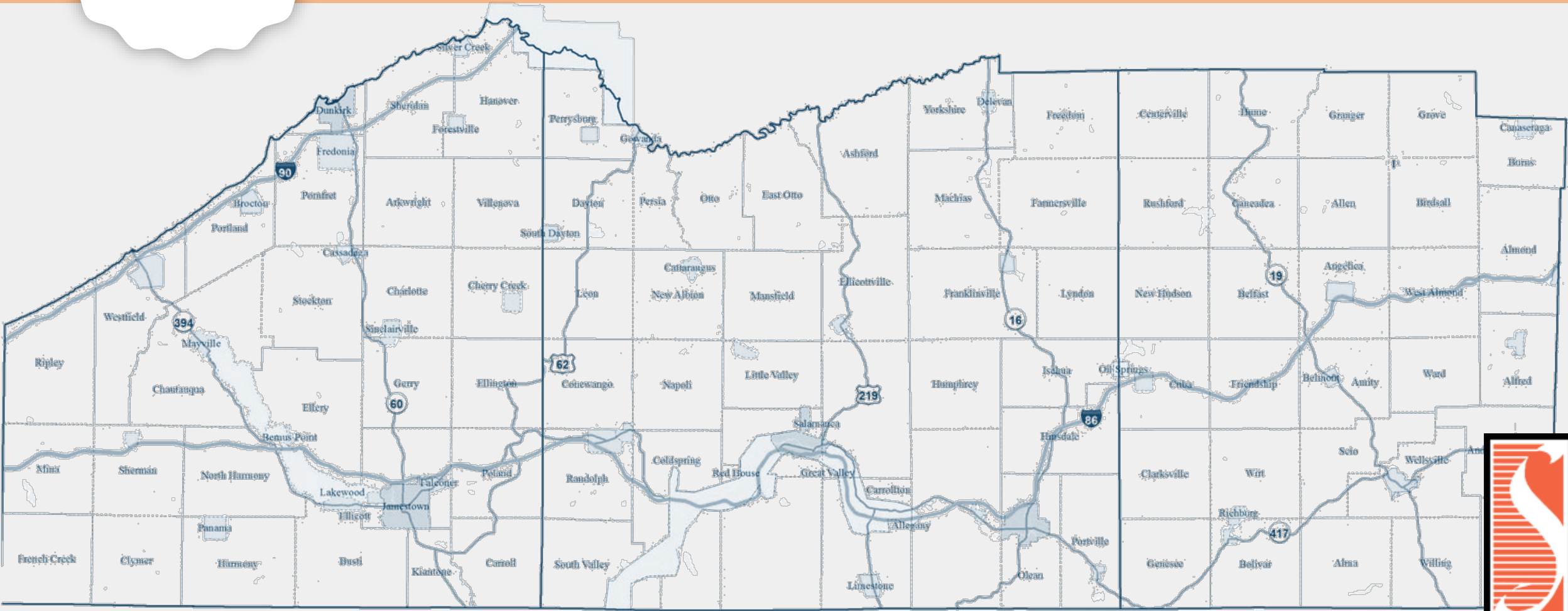




Planning Board Training

GET WHAT YOUR COMMUNITY DESERVES



🗨️ Respond at [PollEv.com/mollygaudios040](https://Pollev.com/mollygaudios040)

📱 Text **MOLLYGAUDIOS040** to **22333** once to join, then text your message

PREFER TO TEXT / NO SMARTPHONE

Text: 22333
“MollyGaudios040”

SMARTPHONE / TABLET INTERNET BROWSER

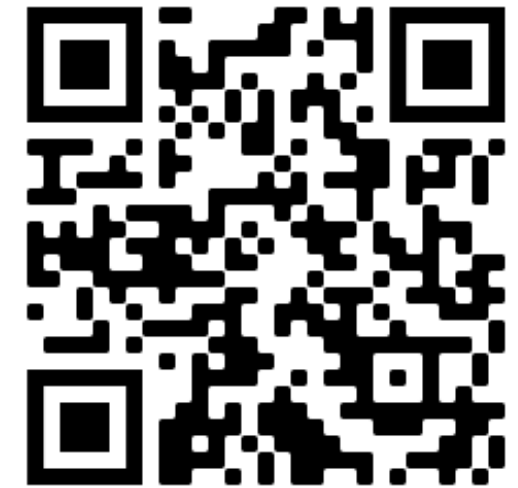
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Pollev.com/mollygaudios040

OR

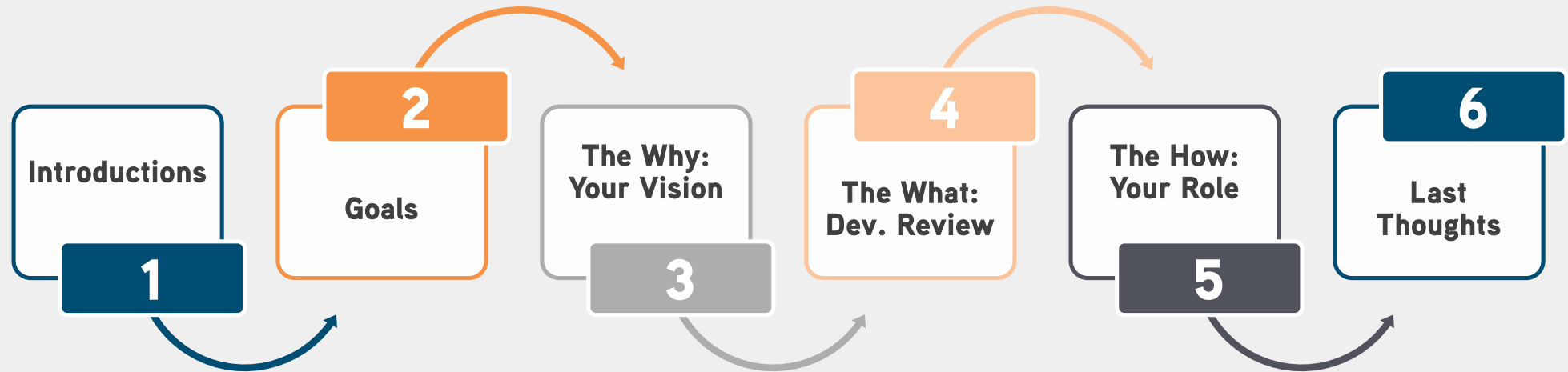
Open Phone Camera; Focus on QR Code (at right)

Polling Info

LOG IN TO PARTICIPATE IN POLLING



Today's Agenda

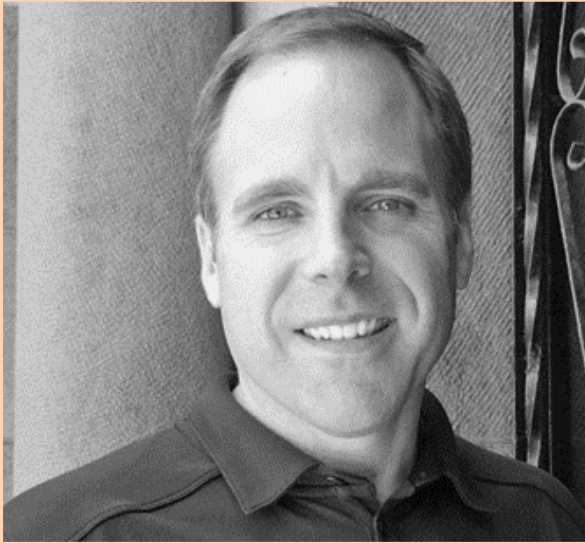


Please feel free to ask questions throughout!



Introductions

NICE TO MEET YA!



John Steinmetz, FAICP



Molly Gaudio, AICP

About Us!

- Planning Nerds
- Zoning Geeks
- Former Municipal Planners
- Former Review Board Volunteers
- Current Planning Consultants for B&L



B&L Overview

\$35,000,000₊



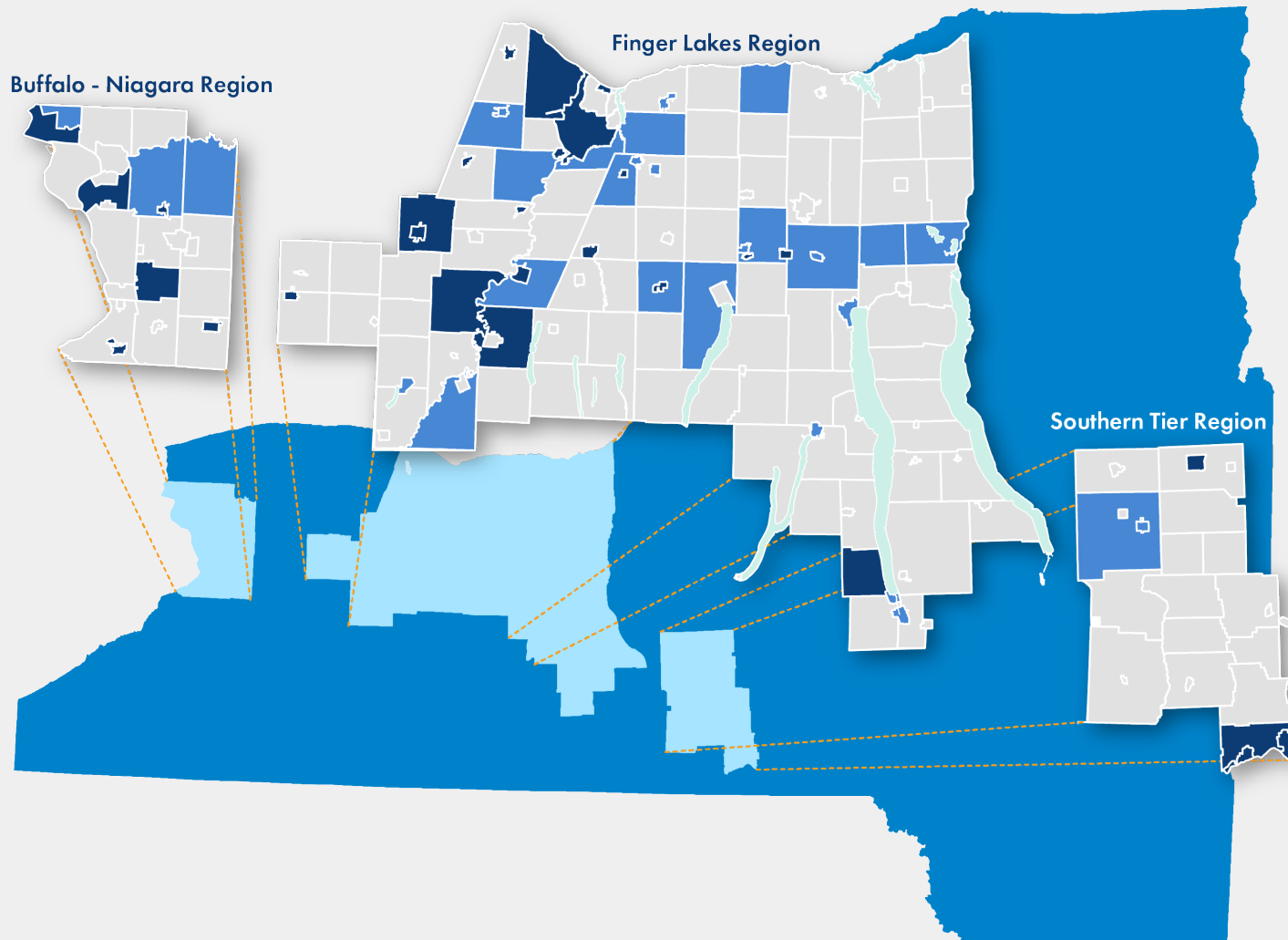
Since 2016, B&L has prepared 88 successful CFA application for a variety of projects



B&L Overview

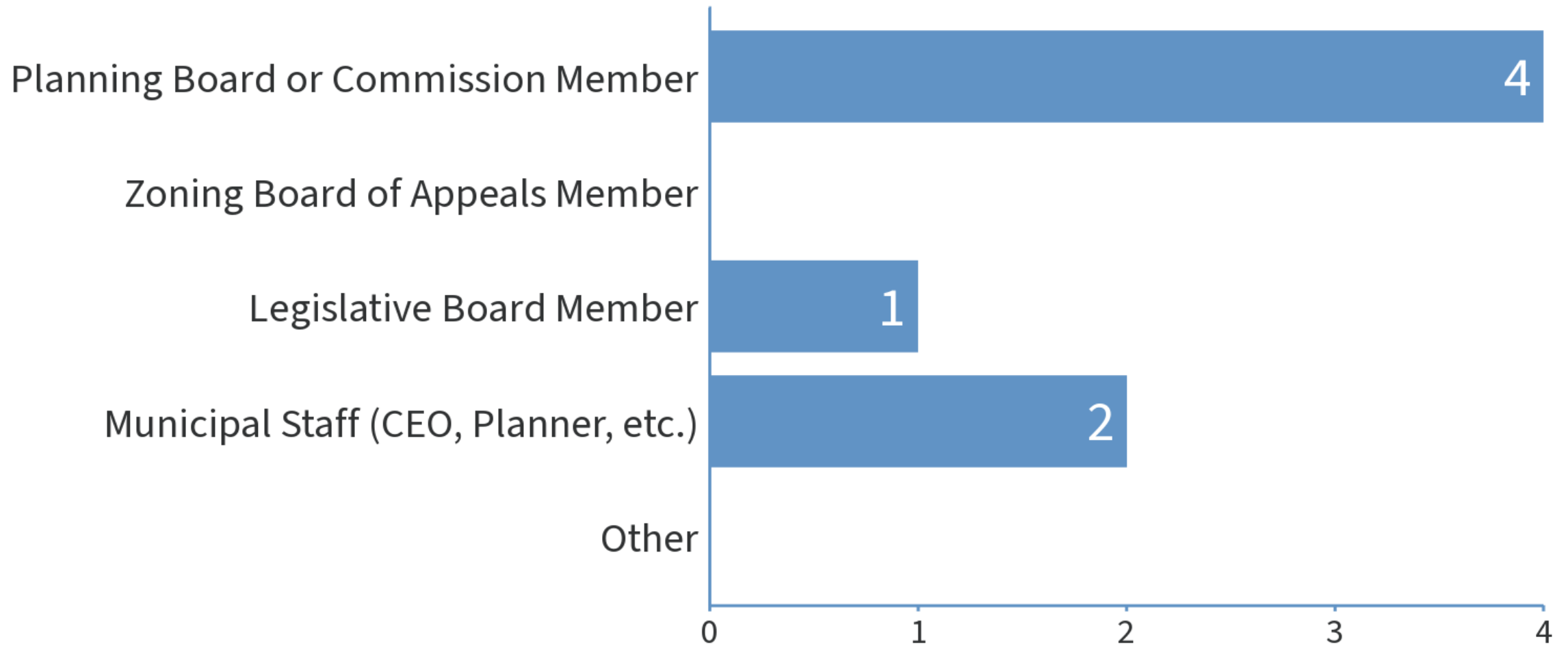
- Comprehensive Plans
- Waterfront Plans
- Transportation Plans
- Rural Planning Efforts
- Review Board Assistance
- Regulatory Updates

Our Experience

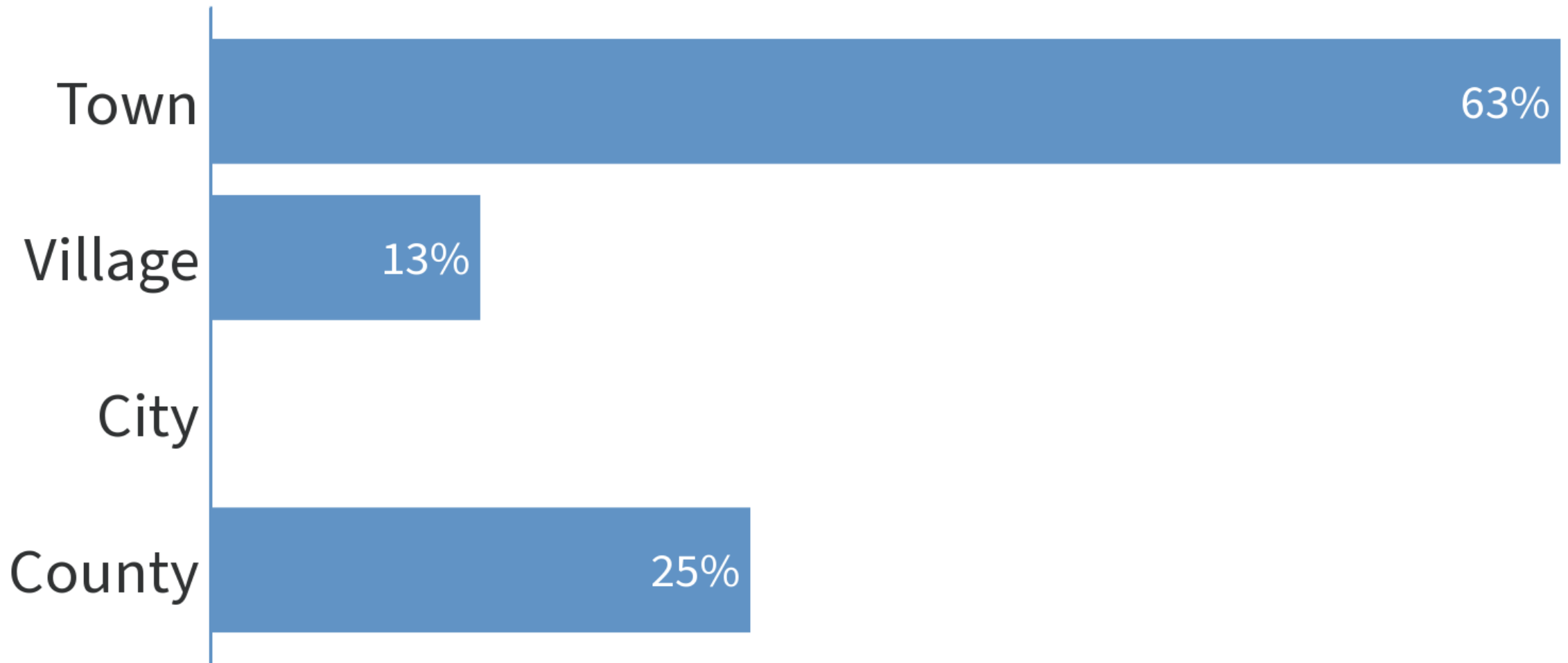


- 300+ project related code reviews
- 40+ code assessments
- 30+ partial amendments or complete updates
- Various special projects

Who's in the Zoom?



In what type of municipality do you serve?



Why did you choose to serve your community? (1-4 words)





Goals

WHAT WE HOPE TO ACHIEVE



#GOALS

- Increase your understanding of the overall development review process
- Identify your role, powers, and parameters of influence
- Arm you with legally sound decision-making tools
- Increase your understanding of NYS requirements with local regulations
- Test you with application examples

OUR ASKS:

- 1) Ask us to clarify if you're uncertain
- 2) Distance yourself from your current understanding of local practices



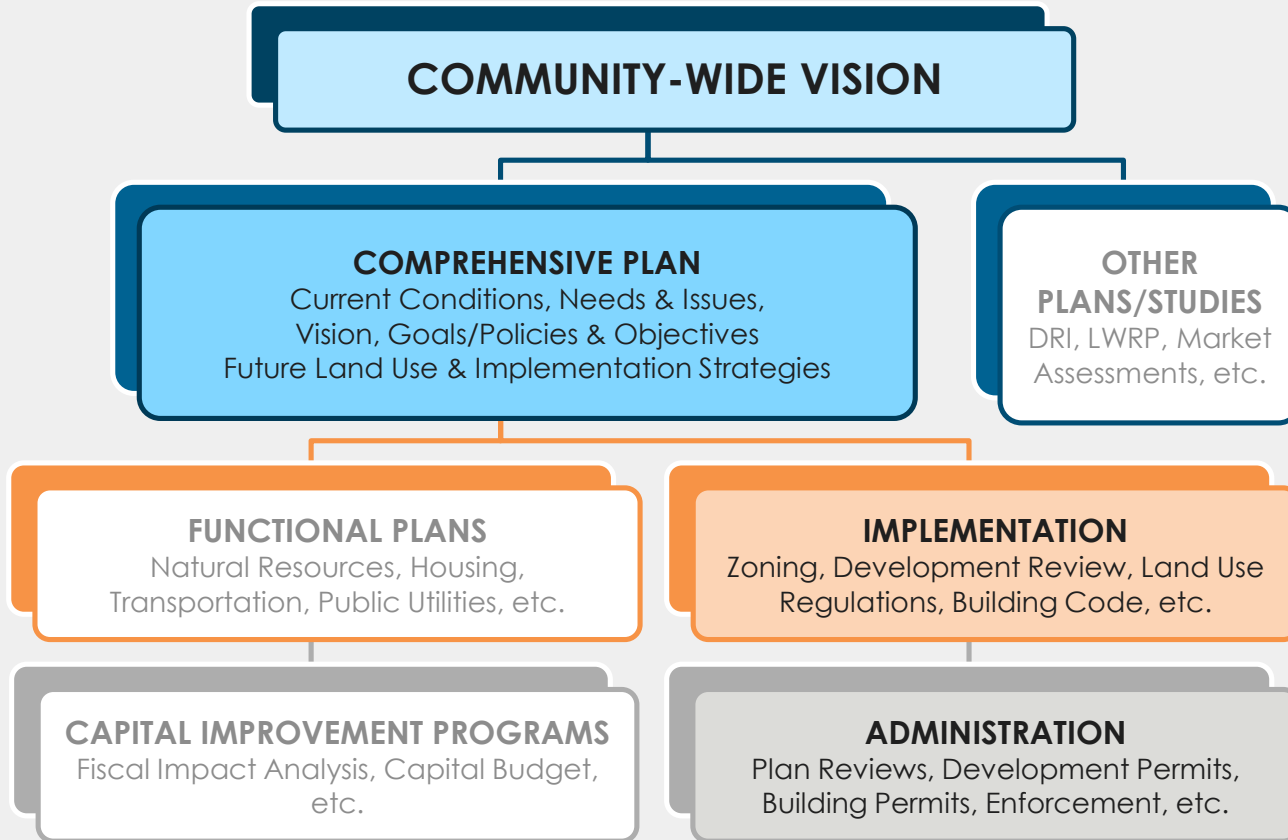
The Why


YOUR VISION & LOCAL REGULATIONS

Your Vision

- Methods & Tools for Success
- Policy informs Law

Planning Boards often help direct the vision as part of the Comp Plan





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

NYS GENERAL CITY LAW § 28-A

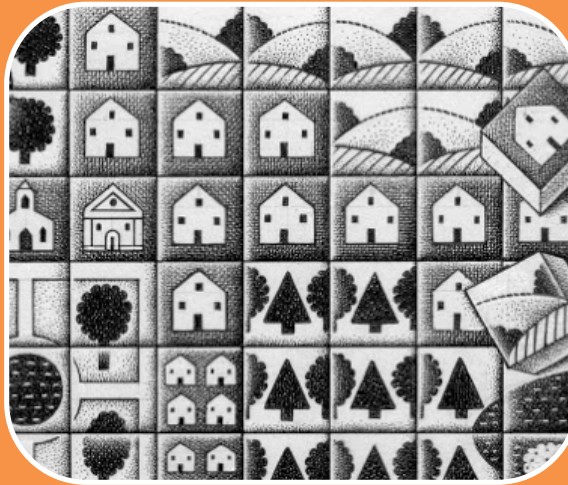
NYS TOWN LAW § 272-A

NYS VILLAGE LAW § 7-722

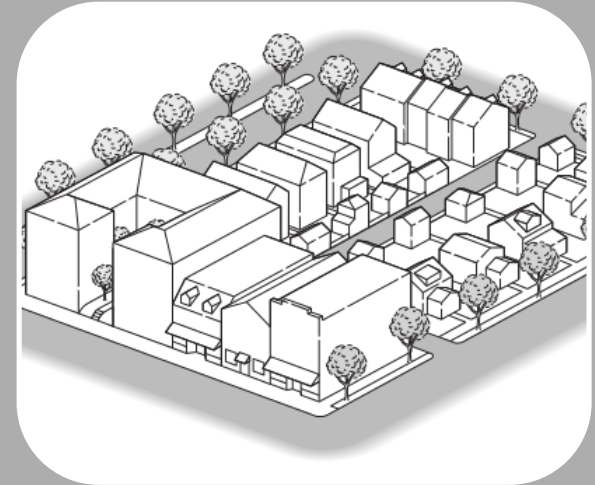
Spectrum of Control



No Local Regulation



Some Local Regulation



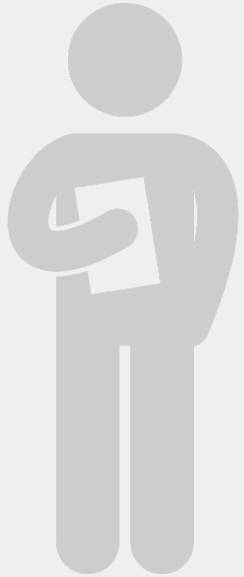
Heavy Local Regulation

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
- Educate you on various design practices and typologies
- Get you thinking about the character of your community today versus its potential
- Identify aspects of development that may be unsupported by your plans and/or codes

Single-Family Residential

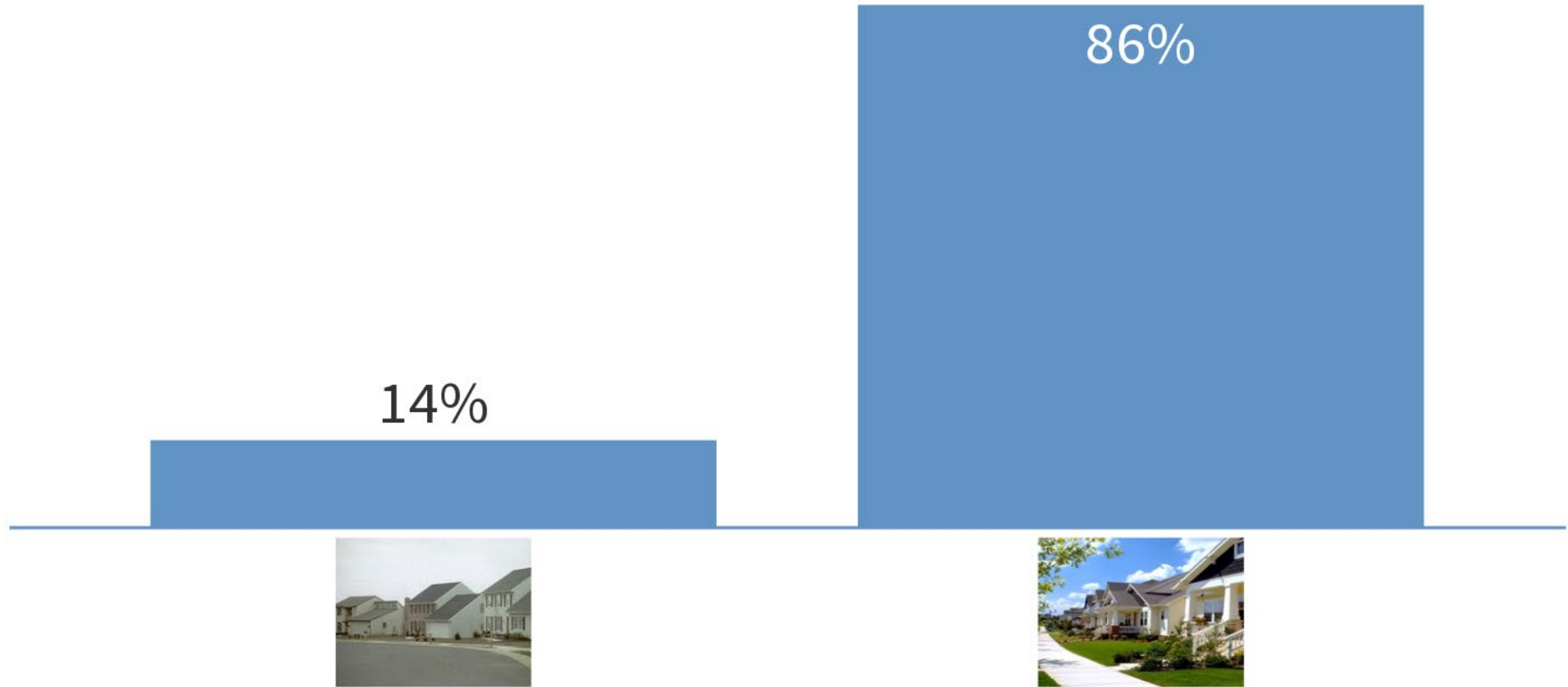


A



B

Residential: Which do you prefer?



Single-Family Residential

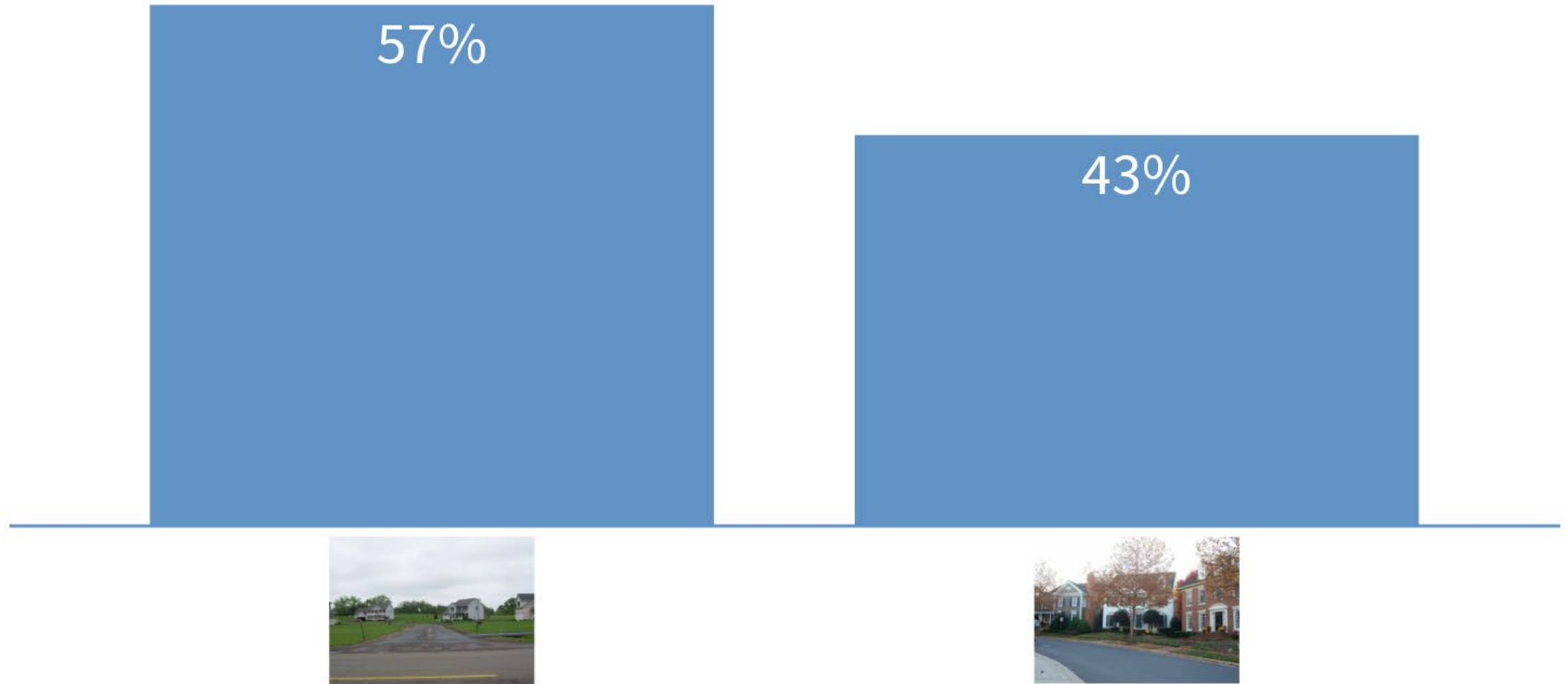


A



B

Residential: Which do you prefer?



Single-Family Residential



A

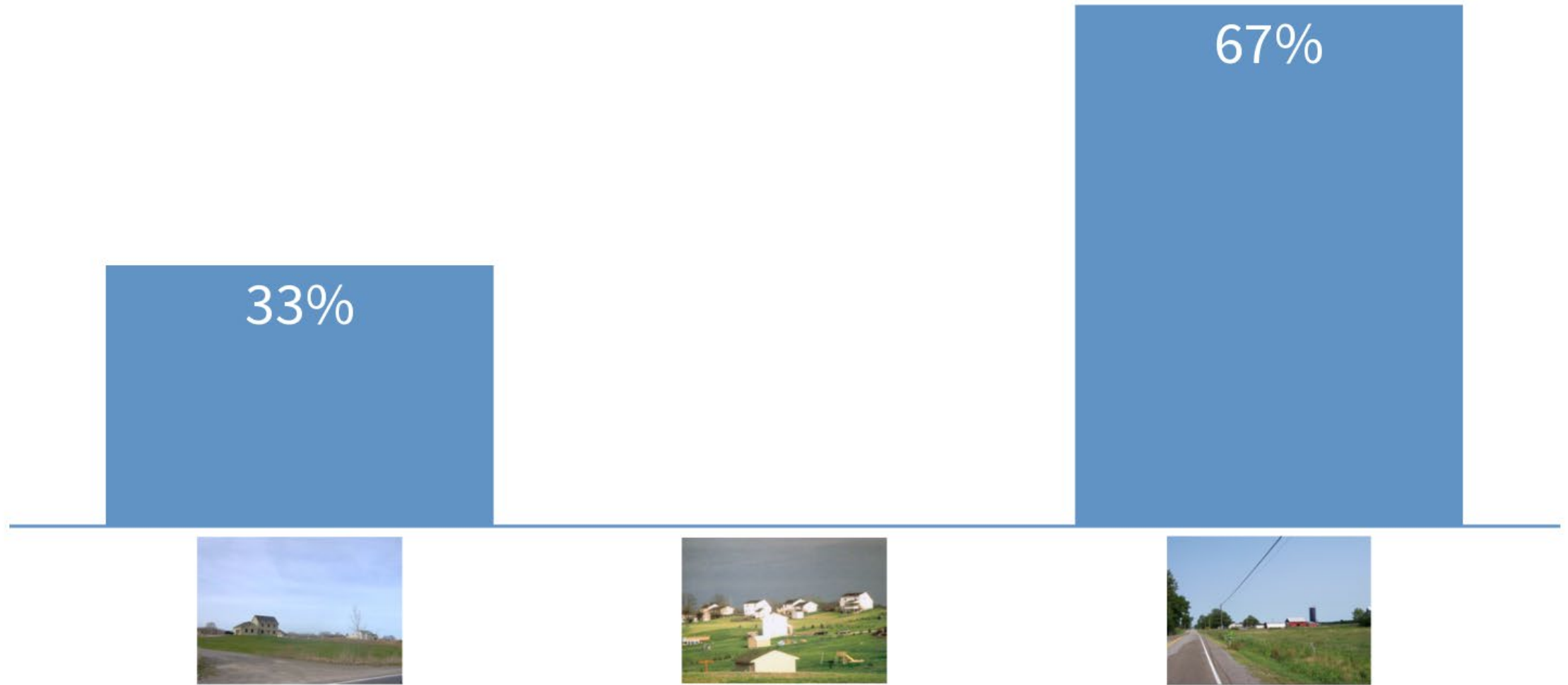


B



C

Residential: Which do you prefer?



Multi-family Residential

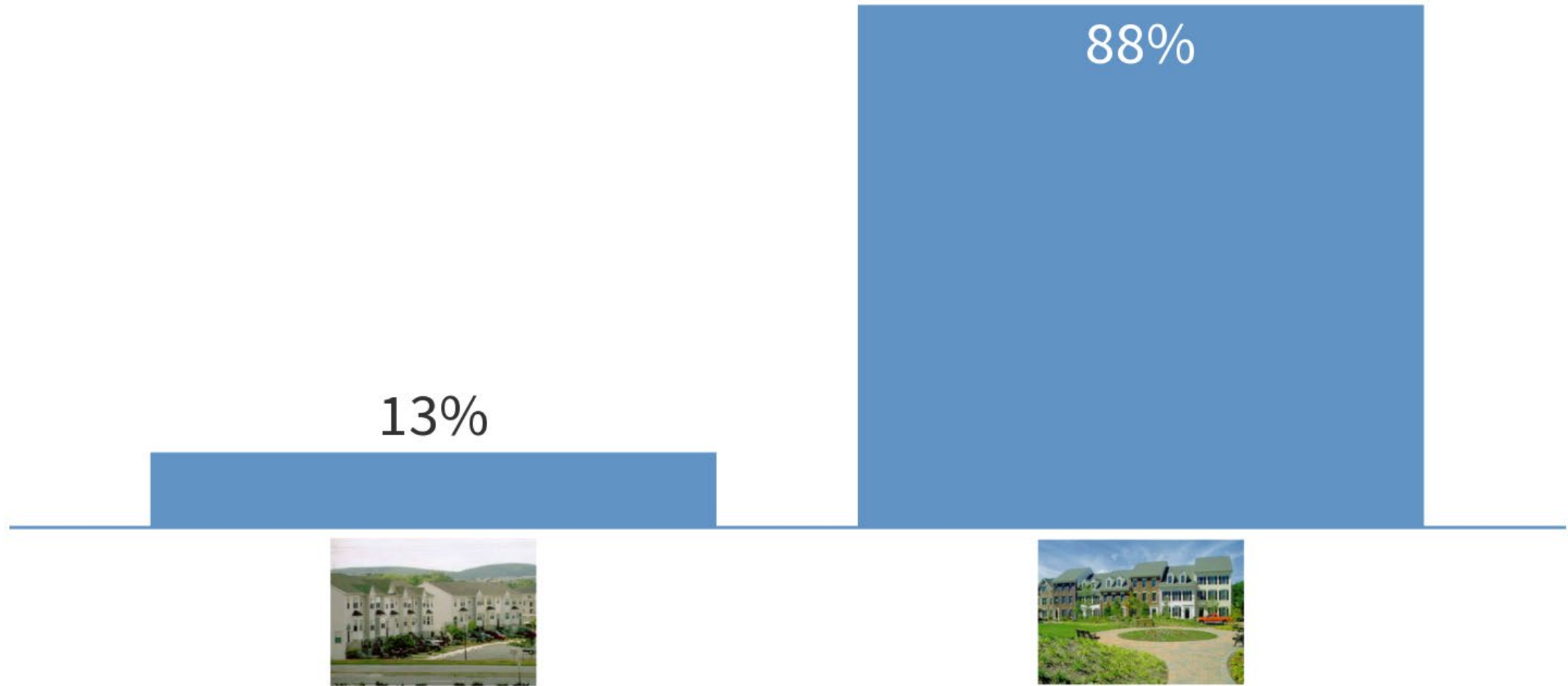


A



B

MF Residential: Which do you prefer?



Multi-family Residential

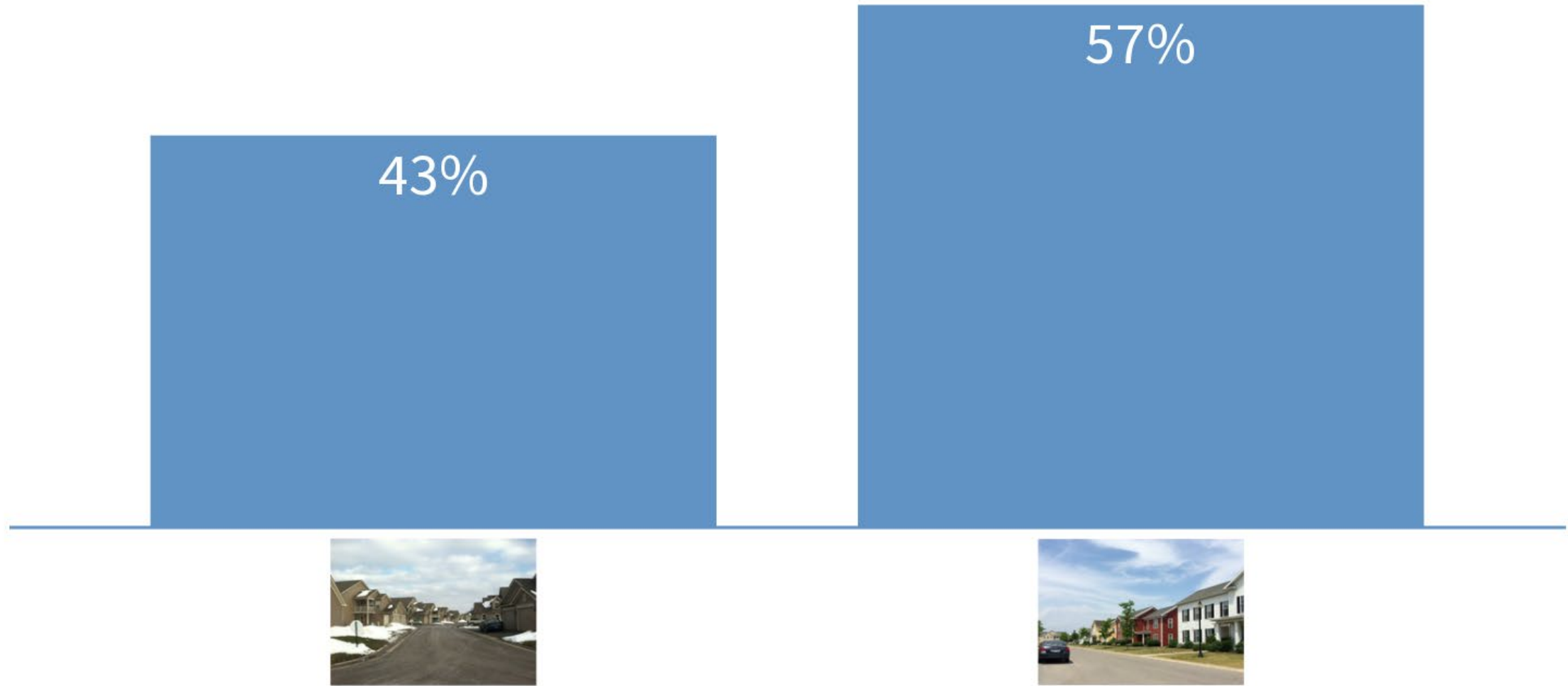


A



B

MF Residential: Which do you prefer?



Commercial / Mixed-Use



A



B

Commercial: Which do you prefer?

100%



Commercial / Mixed-Use

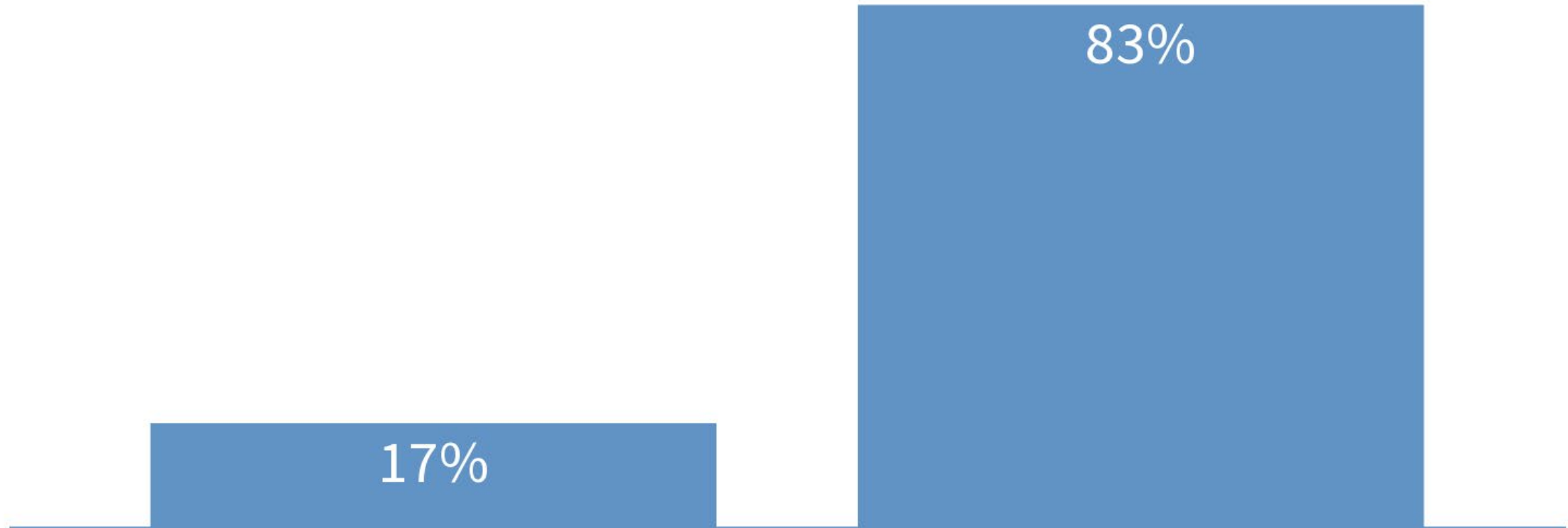


A



B

Commercial: Which do you prefer?



Commercial / Mixed-Use

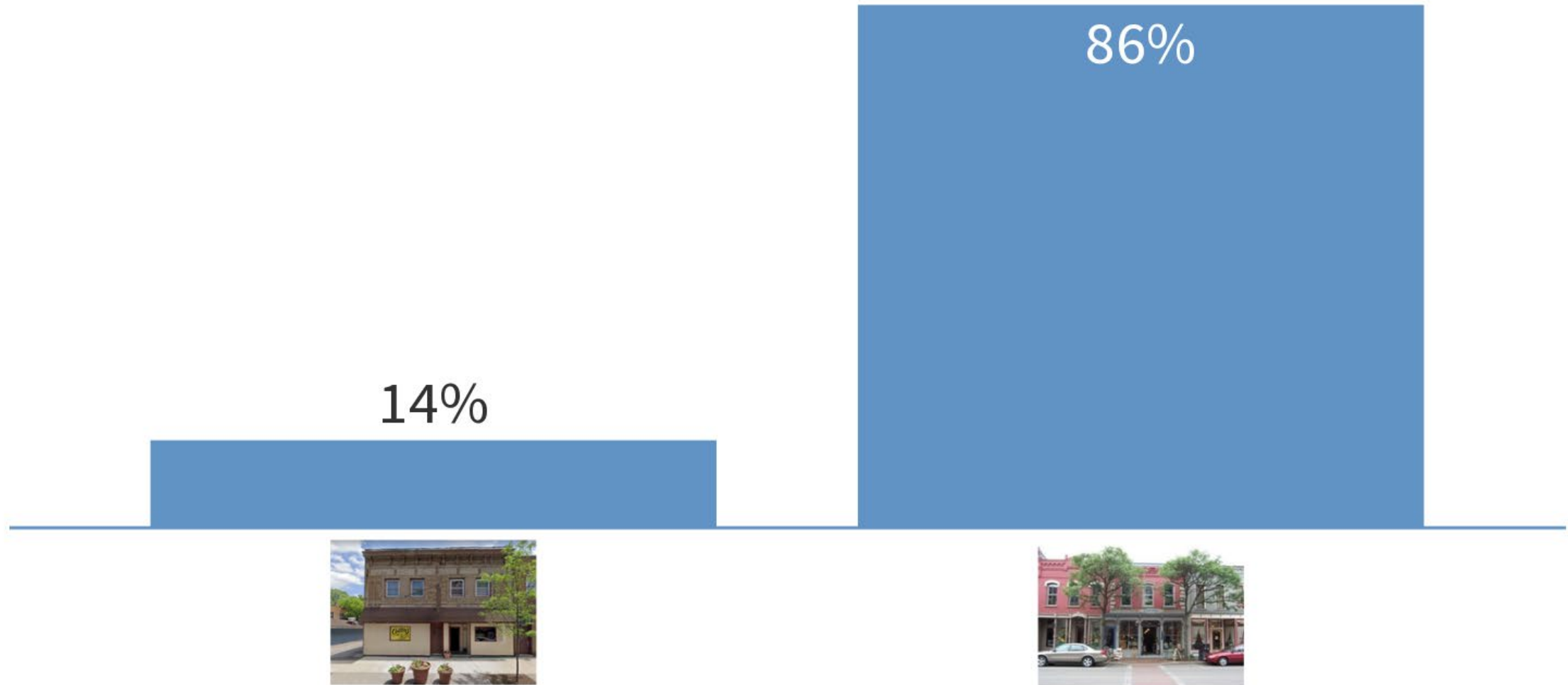


A



B

Commercial: Which do you prefer?



Commercial / Mixed-Use



A

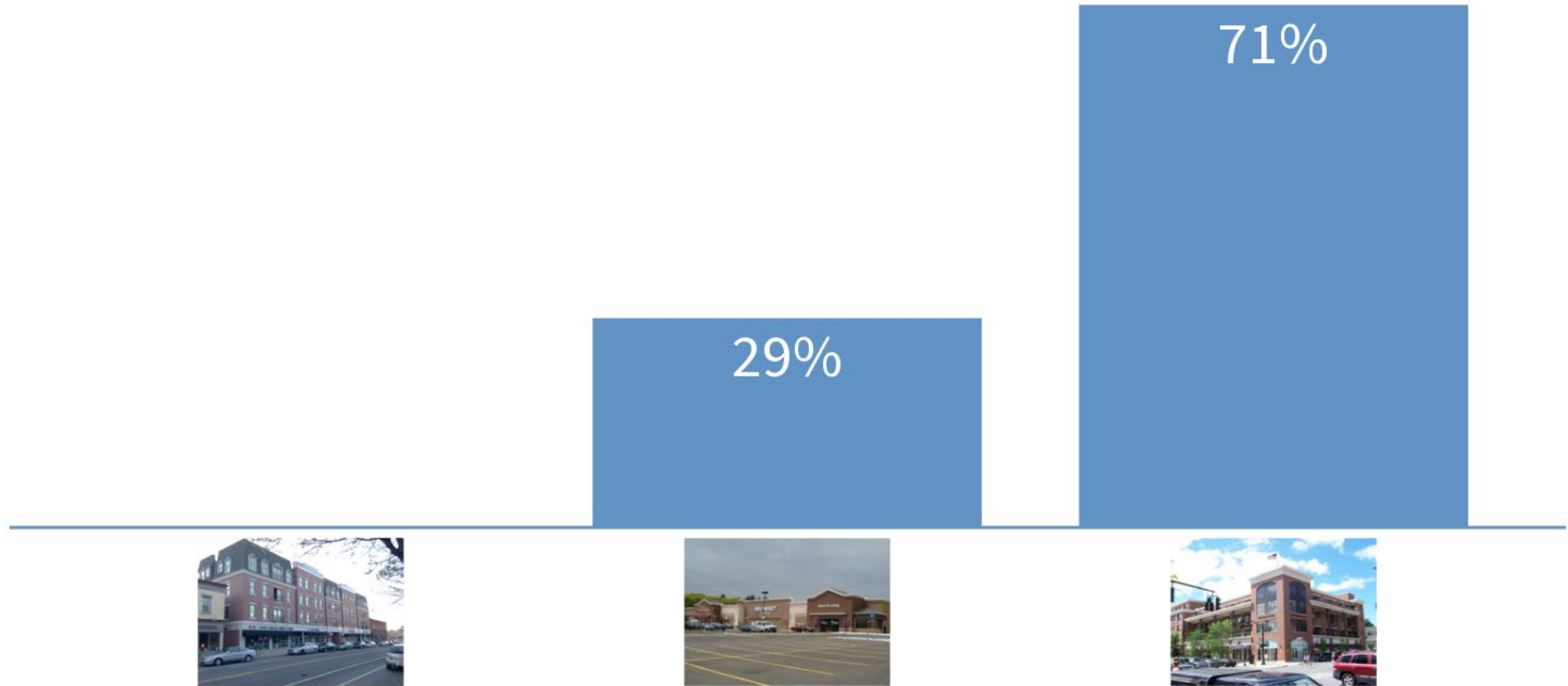
B



C



Commercial: Which do you prefer?



Your Level of Influence

GOOD NEWS

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

- + Legislative Body
- + Planning Board/Commission

BAD NEWS

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

- + ZBA
- + Code Enforcement

A decorative wavy orange line with a white outline, positioned on the left side of the slide.

The What

DEVELOPMENT REVIEW APPLICATIONS

Delegation of Roles

SITE PLAN REVIEW (SPR)

Planning Board/Commission

Most Common

VARIANCE

Zoning Board of Appeals

Required

AMENDMENT

Common Council – Final Action

Planning Board/Commission – Advisory

Required

SPECIAL USE PERMIT (SUP)

Planning Board/Commission

Most Common

APPEAL

Zoning Board of Appeals

Required

ADMIN / ENFORCEMENT

Code & Municipal Staff

NYS Definitions

SITE PLAN

“a rendering, drawing, or sketch prepared to specifications and containing necessary elements set forth in the applicable ordinance or local law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.”

SPECIAL USE PERMIT

“an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such ordinance or local law to assure that the proposed use is in harmony with such ordinance or local law and will not adversely affect the neighborhood if such requirements are met.”

USE VARIANCE

“the authorization by the ZBA for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.”

AREA VARIANCE

“the authorization by the zoning board of appeals for a use of land in a zoning district which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.”

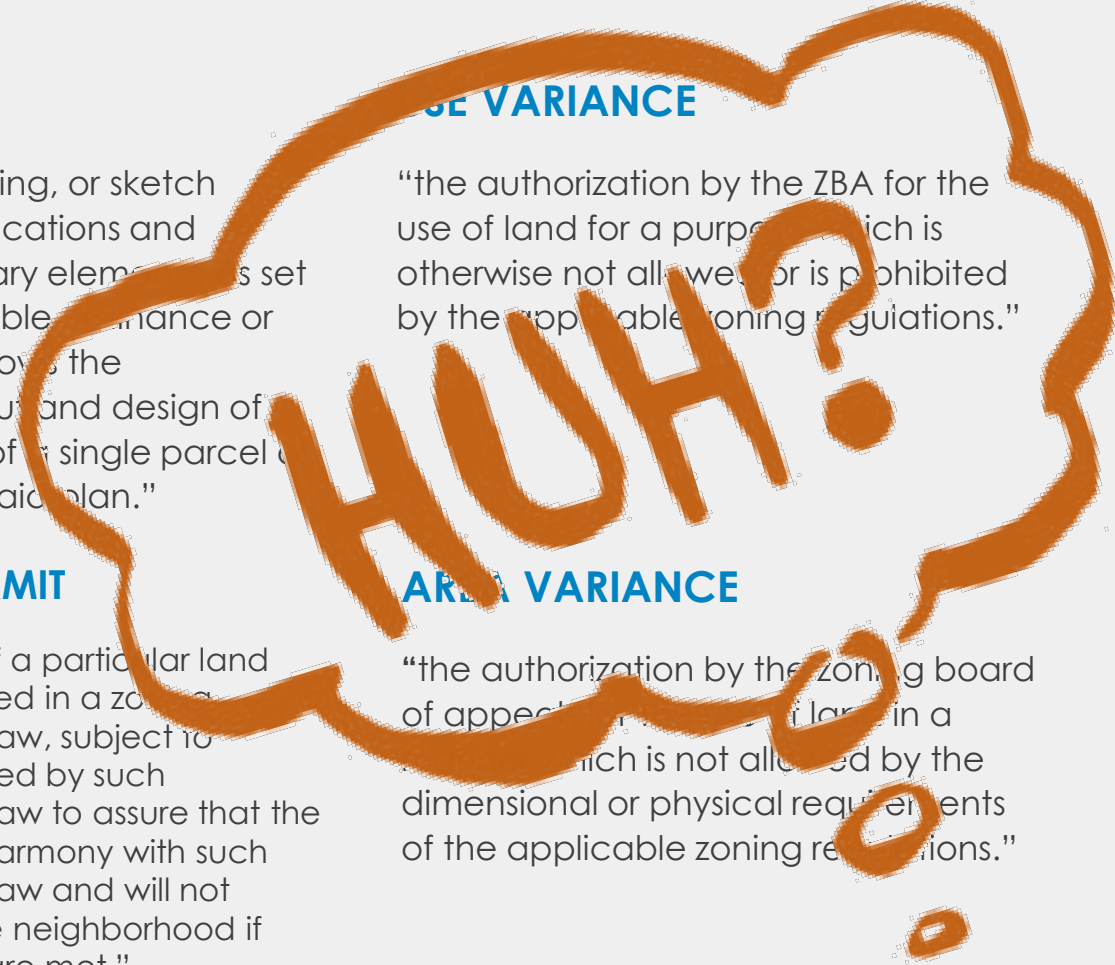
AMENDMENT

“amendments to the [municipality's] zoning regulations, restrictions and/or boundaries.”

APPEAL

ZBA: Application by any person aggrieved of an **administrative** decision.

Article 78: Procedure for challenging the determinations of **administrative agencies, public bodies or officers.**



... Without the Legalese

SITE PLAN REVIEW

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

USE VARIANCE

"I'd like to do something (a use), but you don't allow it (and generally don't want it)."

AMENDMENT

"The code doesn't provide for this, but it **may** be consistent with our vision"

SPECIAL USE PERMIT

"I'd like to do something (a use) that **may** be okay if I meet certain criteria."

AREA VARIANCE

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

APPEAL

"I'm mad about your CEO's decision to say no, please fix it."



The How

YOUR ROLE, POWERS & PROCEDURES



Special Use Permits

CONTEXT & EXAMPLES

■ What are the triggers?

- + Uses noted as specially permitted in your zoning or land use law

§ 143-24 Permitted principal uses and structures.

Permitted principal uses and structures in the R-R District shall be as follows:

- A. Any principal uses and structures permitted and as regulated in the R and R-L Districts.
- B. Upon obtaining a special use permit from the Town Board in accordance with Article XII, the following uses:
 - (1) Parks, picnic areas and beaches.
 - (2) Yacht clubs, marinas, boat launching and storage facilities related to the same.
 - (3) Organized or institutional campgrounds.
 - (4) Restaurants specifically located, designed and operated to accommodate persons engaging in water or snow recreation activities.
 - (5) Summer theaters or playhouses.
[Added 10-11-1990 by L.L. No. 4-1990]

TOWN OF CHAUTAUQUA – CHAPTER 143 (ZONING)

Special Use Permits

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

■ General Review Process

- + Application Submittal – Ensure all required material provided (Different from determining application to be “complete”)
- + Have applicant complete Part 1 of SEQR forms, if applicable
- + Refer application to County Planning Board
- + Board **required to** hold public hearing
- + Board hearing and general review may occur while you await County decision
- + Receive County decision
- + Board determines application to be “complete” – Ensure all other SEQR forms are completed, if applicable
- + Board Issues Decision
- + File decision with County and submit SEQR Environmental Notice Bulletin, if applicable

* **May also require Site Plan Review (we’ll address later...)**

Special Use Permits

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

■ General Review Criteria

§ 300-37. General development conditions.

- A. Purpose. Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety and general welfare.
- B. Areas of concern. The following checklist shall be considered by the appropriate Board and administrators in their reviews of request for building permits, special use permits and variances. The checklist is not intended to be all-inclusive and does not limit the areas of concern over which conditions may be imposed.
- (1) **Traffic.** Safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off-street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.
 - (2) **Safety.** Trash disposal, steep slopes, open pits, toxic and/or flammable fluids.
 - (3) **Health.** Sewers/water, sunlight, air movement, junk vehicles and/or trash storage.
 - (4) **Character of neighborhood.** Development density, traffic volume, lot sizes, compatible uses and/or buffers.
 - (5) **Public costs.** Road damage, need for new roads and/or need for new utilities.
 - (6) **Environmental protection.** Floodplain, wetlands and/or natural features.
 - (7) **Nuisances.** Noise, odor, dust, lights, hours of operation, lot size, buffers and/or nuisance location.
 - (8) **Land use preservation.** Agriculture and/or open space.
 - (9) **Aesthetics.** Restoration, appearance, scenic views and/or buffers.

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.”

■ 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

■ Implications of Decision

- + **YES** – Okay, as proposed
- + **YES w/Conditions** – Okay, with modifications or limitations
- + **NO** – Not okay, will have negative impact; inconsistent with vision

■ Result of Approval

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



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

Special Use Permits

- Review Criteria

Special Use Permits

- Review Criteria



ADDRESS: 193 S 1st Street
ZONING: C2 District

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

Which question is NOT within your purview?

How do you plan to finance the business?

CORRECT ANSWER

100%

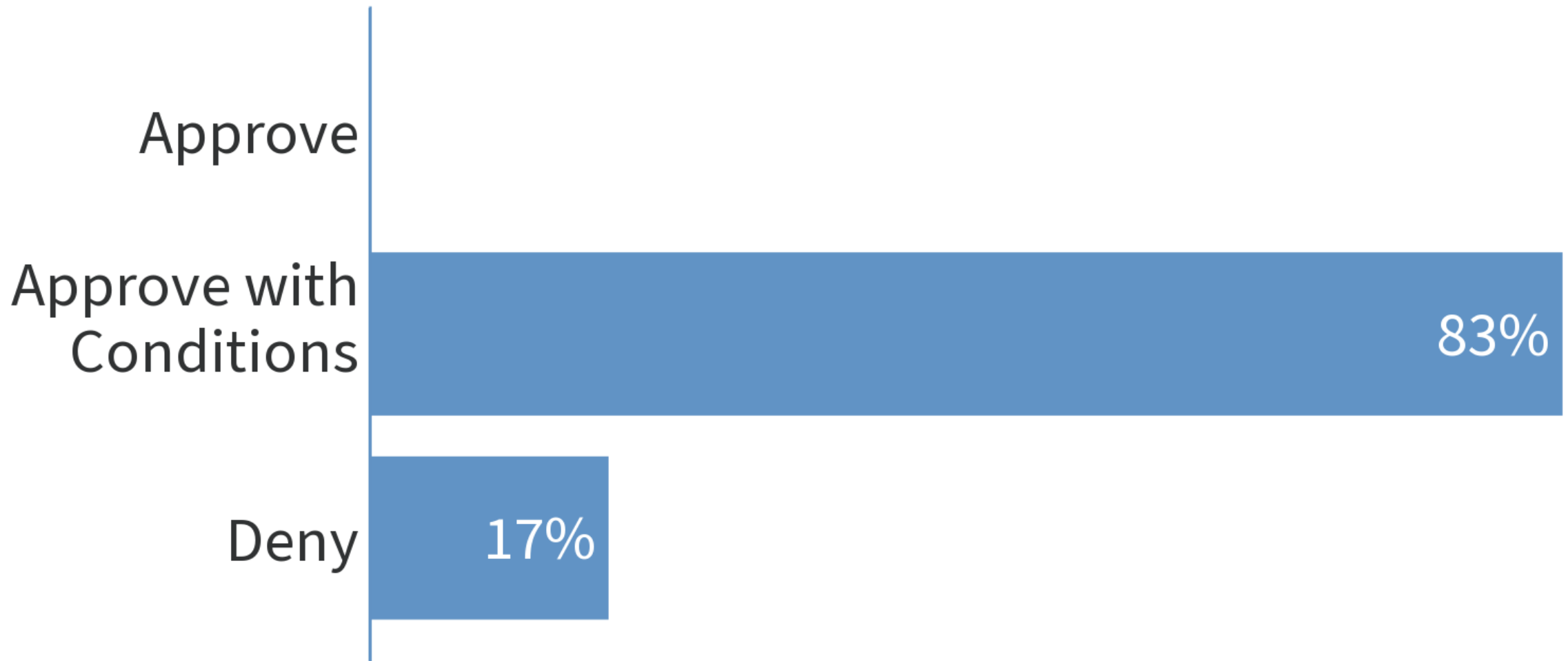
What kind of services/repairs will you provide?

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?



A decorative wavy line in dark blue and white, running vertically along the left side of the page.

Site Plan Review

CONTEXT & EXAMPLES

■ What are the triggers?

- + These are developed by you!
- + All new construction
- + Uses/development actions as noted in zoning
 - Physical settings...Within 500' of the River
 - Districts...Any exterior changes within the Central Business Zoning District
 - Incentive based...Any proposed building improvements that do not meet our building and/or site design criteria requires site plan review



- + Can identify exempt actions (single-family, accessory structures)
- + Can create minor & major site plan review processes

Site Plan Review

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

■ General Review Process

- + Optional Sketch Plan Conference
- + Application Submittal – Ensure all required material provided (Different from determining application to be “complete”)
- + Have applicant complete Part 1 of SEQR forms, if applicable
- + Refer application to County Planning Board
- + Board **may** request additional or waive application materials
- + Board **may** hold public hearing (unless your code requires it)
- + Board review may occur while you await County decision
- + Receive County decision
- + Board determines application to be “complete” – Note additional/waived materials; Ensure all other SEQR forms are completed, if applicable
- + Board Issues Decision (Preliminary & Final Decisions may make sense)
- + File decision with County and submit SEQR Environmental Notice Bulletin, if applicable

*** May also require special use permit (we’ll address later...)**

Site Plan Review

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

■ Factors of Decision

- + May require changes necessary to meet code requirements
- + May impose additional requirements as necessary to promote and protect orderly growth and sound development

(MEANING: Leverage to get applicant to go above and beyond!)

Site Plan Review

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

General Review Criteria Context

- Compliance with all code requirements (CEO to confirm)
- Conformance with the local Comprehensive Plan, LWRP, etc.
- Adequacy of water, sewer, drainage, lighting, etc.
- Adequacy of traffic circulation, access, and parking
- Adequacy of landscaping and screening
- Adequacy and arrangement of pedestrian and bicyclist access and circulation
- Compatibility with adjacent building orientation, site design, and transitional treatments

Site Plan Review

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

■ Implications of Decision

- + **YES** – You meet our expectations
- + **YES w/Conditions** – Make these changes to meet our expectations
- + **NO** – You do not meet our expectations

■ Result of Approval

- + Use and improvements to property are permitted
- + No further review until changes proposed

Site Plan Review

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

Site Plan Review

REVIEW CRITERIA

- Code Compliant?
- Consistent with your vision?



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

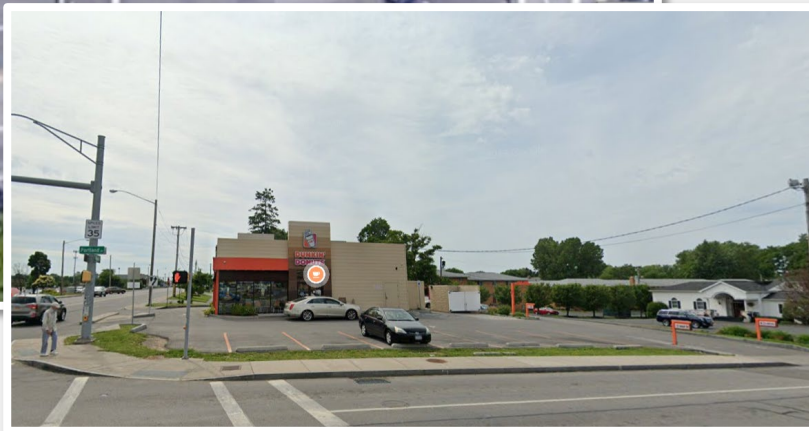
PROPOSED USE: Coffee Shop w/ Drive Thru
SPR TRIGGER: §640-16

- Restaurant/Eating Establishment (B)
- New Construction (C)

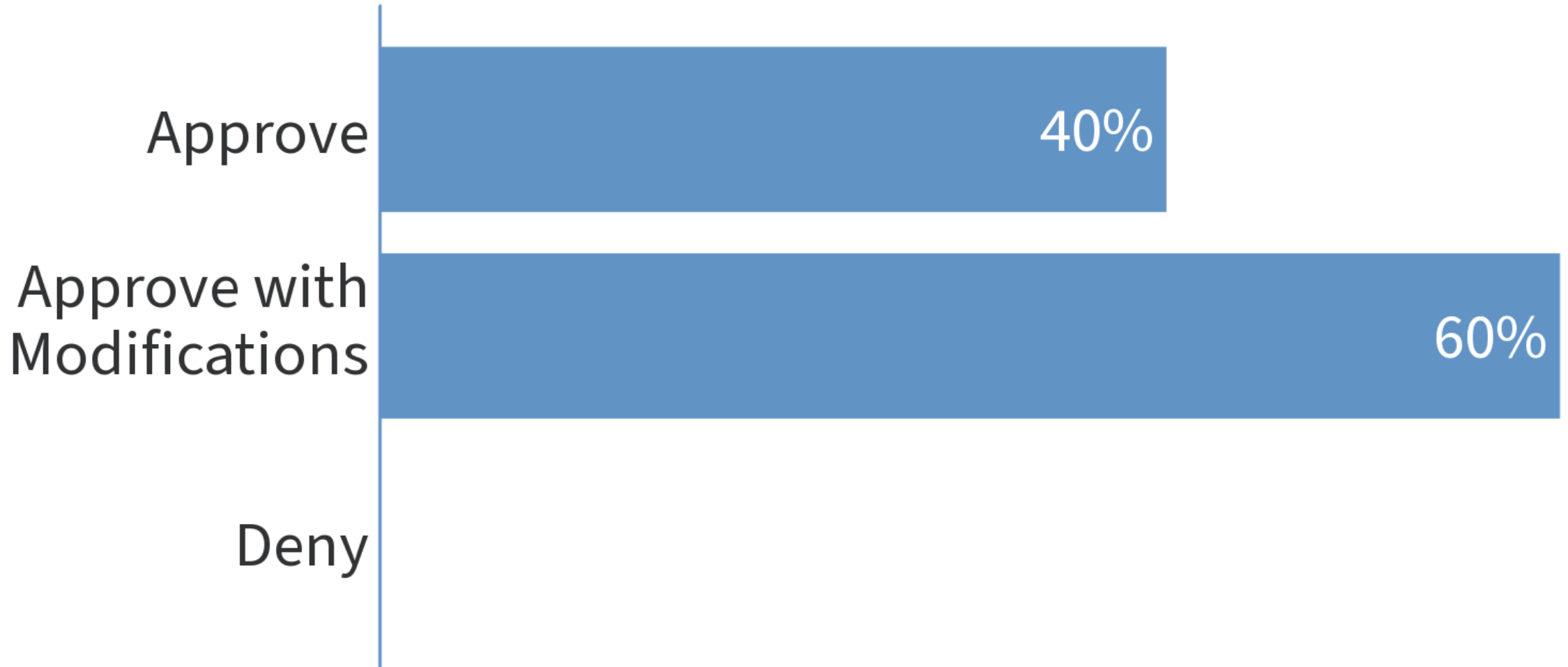
Site Plan A

REVIEW CRITERIA

- Code Compliant? (Let's assume yes...)
- Consistent with your vision?



Site Plan A: How would you decide?



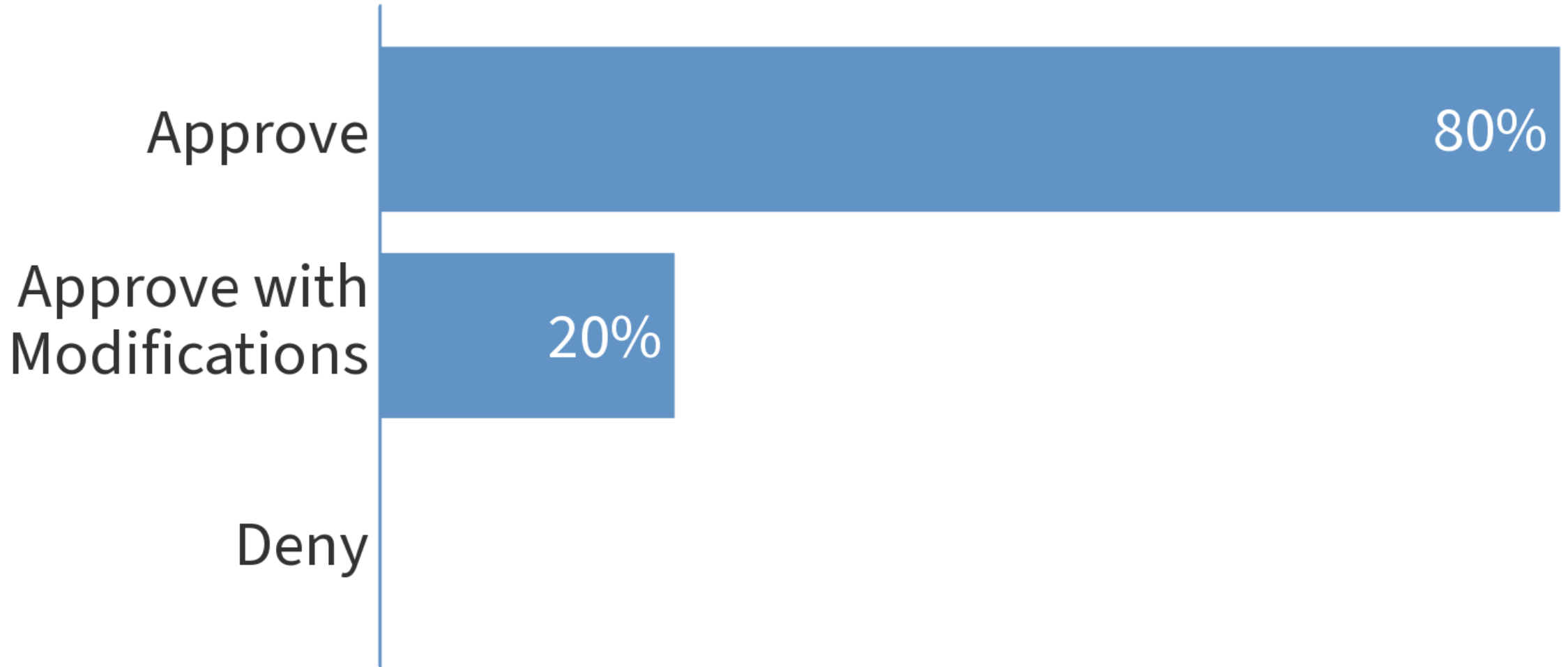


Site Plan B

REVIEW CRITERIA

- Code Compliant? (Let's assume yes...)
- Consistent with your vision?

Site Plan B: How would you decide?



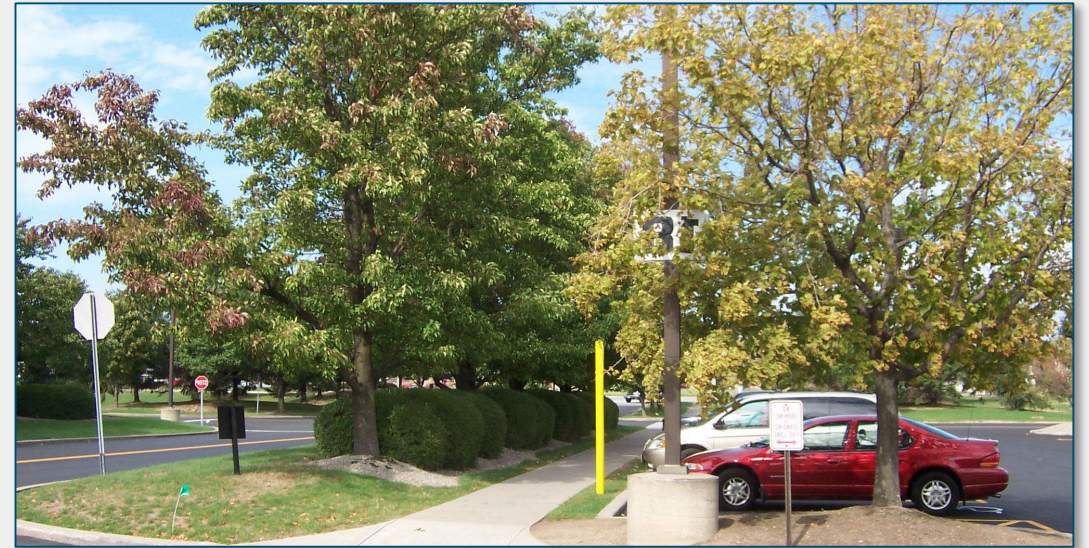
What factors influenced your decision?

presentation
site flow good
landscaping neighborhood
layout traffic fits walkwa
design safty

Landscaping & Screening



Landscaping & Screening



Pedestrian & Bicyclist Access





Building Design & Context

Building Design & Context

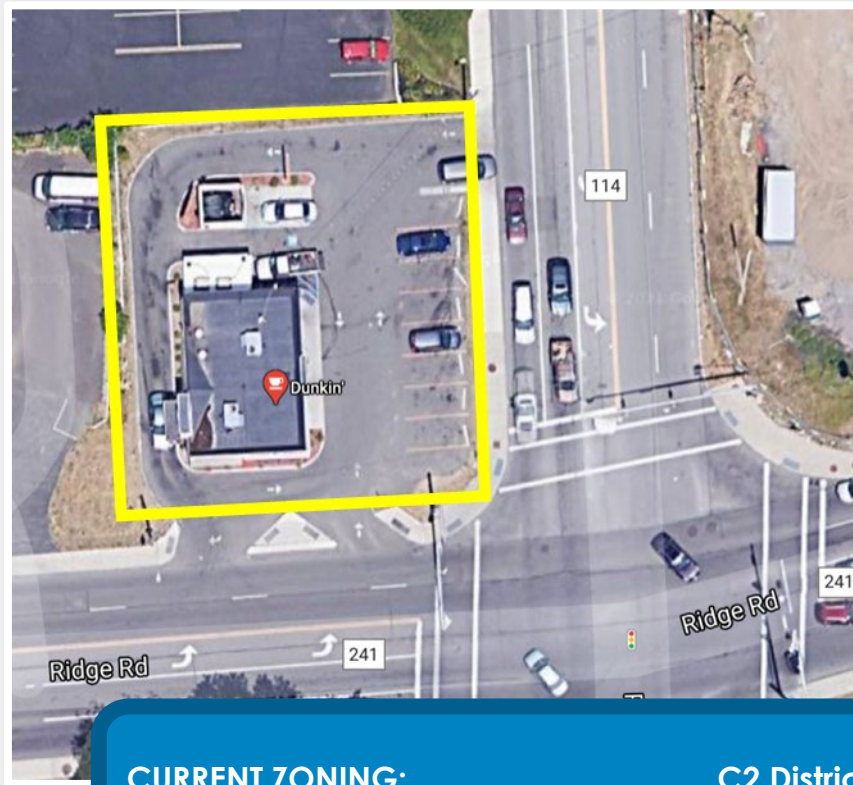


Building Design & Context



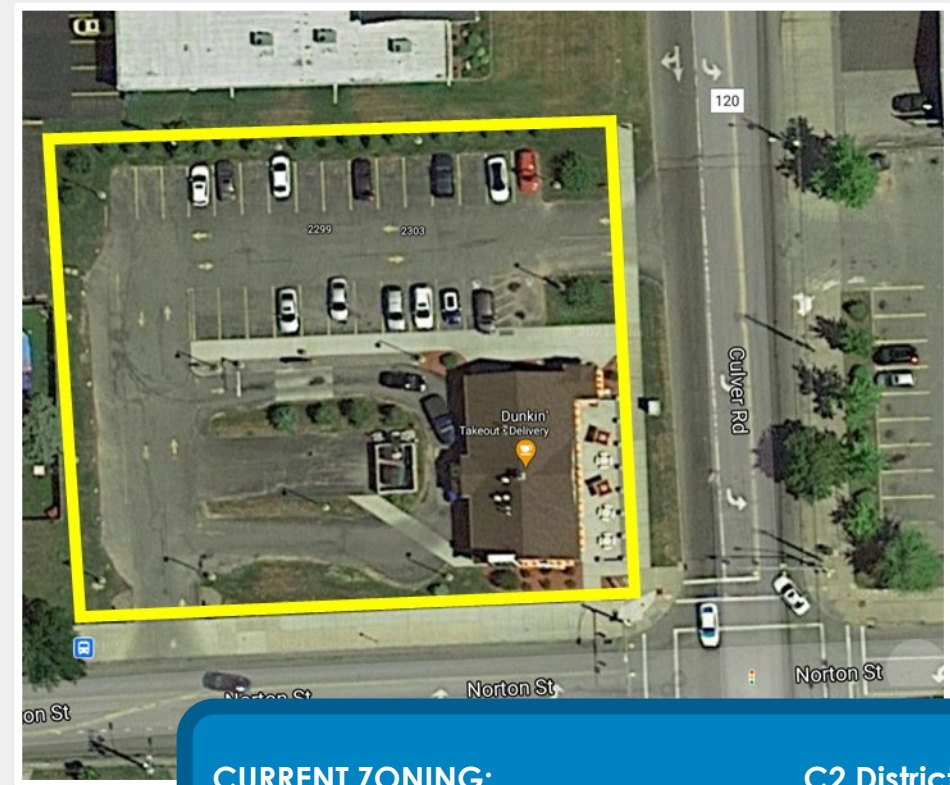
Check Limitations of Your Code...

CODE COMPLIANT



CURRENT ZONING: C2 District
FRONT SETBACK REQUIREMENT: 25 ft

NOT CODE COMPLIANT



CURRENT ZONING: C2 District
FRONT SETBACK: Area Variance Needed



Case Study

- Original Site Conditions



Case Study

- Original Site Conditions



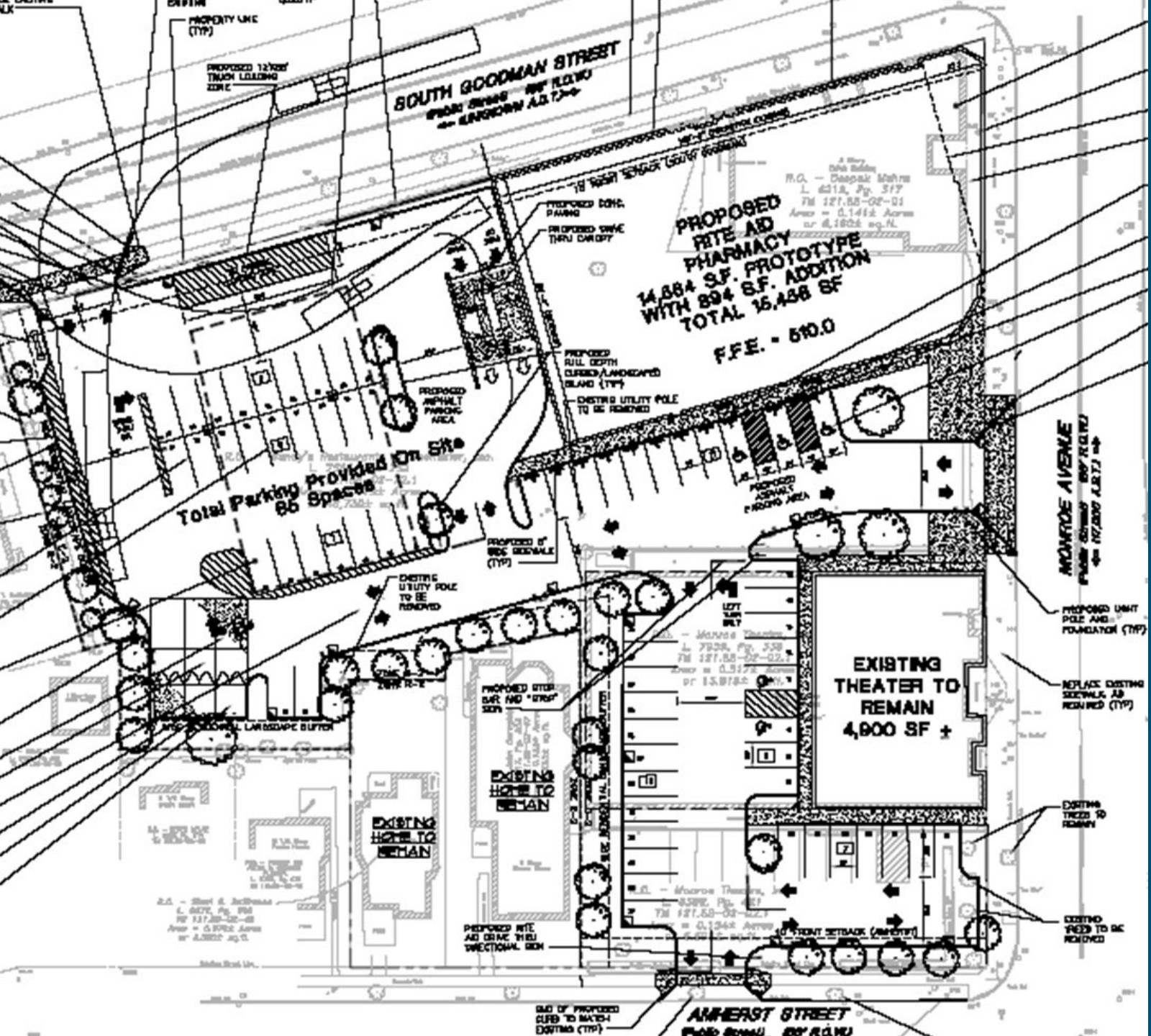
Case Study

- Original Site Conditions



Case Study

- Original Site Conditions



Case Study

- RITE AID – Proposed Site Plan

Case Study

- RITE AID – Proposed Elevations



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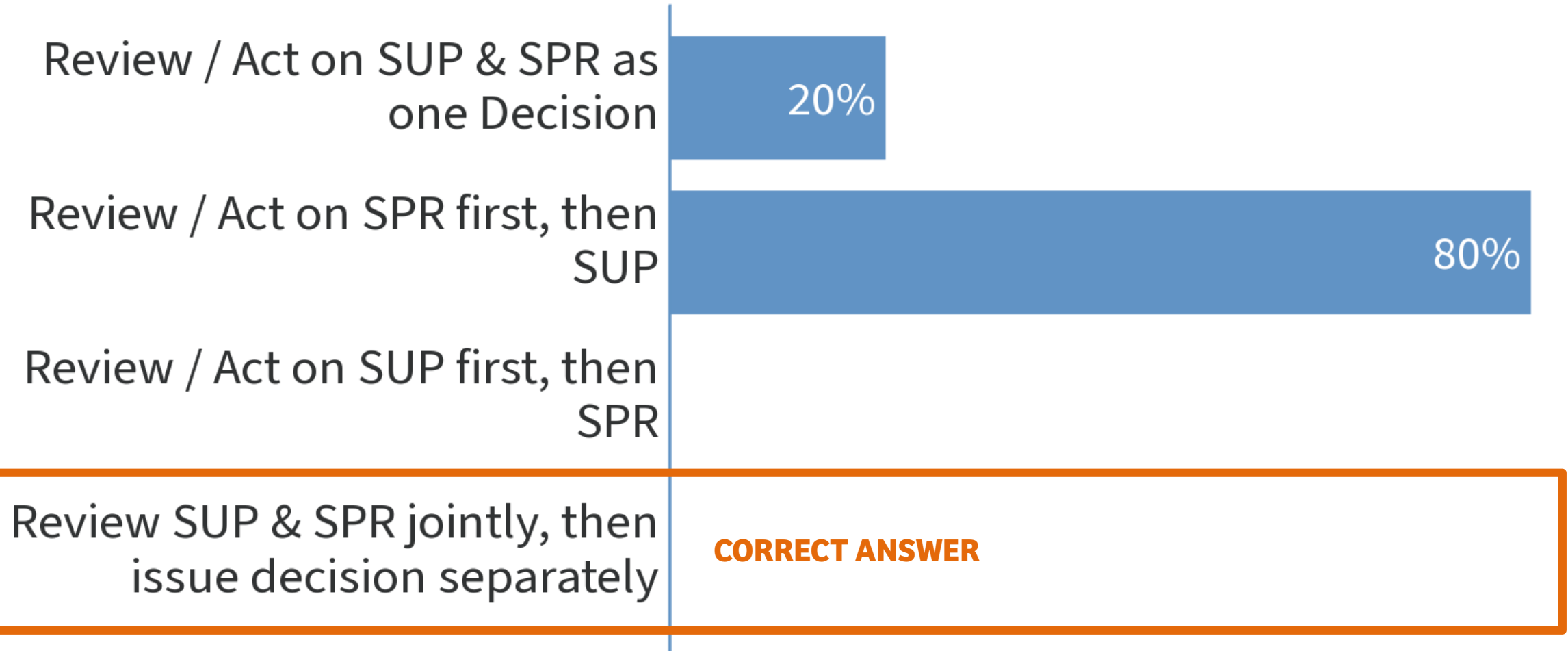
Site Plan Review & Special Use Permits

CONTEXT & EXAMPLE

Site Plan Review & Special Permit

- **What are the triggers?**
 - + New construction of a specially permitted use
 - + Specially permitted uses with exterior alterations
 - + Or where otherwise noted by your code

In what order should SP/SPR decisions be made?



■ Recommended Review Process

- + SUP Application Submittal w/SPR Components
 - + **(SEQR & County Referral requirements still apply)**
 - + Review SUP & SPR concurrently
 - + Hold **Public Hearing** for SUP and SPR
 - + Issue decision on SUP
 - If **YES**, continue with SPR decision
 - If **NO**, application denied
- * **Could address SPR first, but decision would be moot if denied SUP**

Site Plan Review & Special Permit

This can be complicated if you have more than one Board involved.

(ex. Planning Board reviews Site Plan,
Municipal Board reviews Special Permit)



Amendments

CONTEXT & EXAMPLES

■ 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”

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.

640:13

§ 640-9

ZONING

§ 640-10

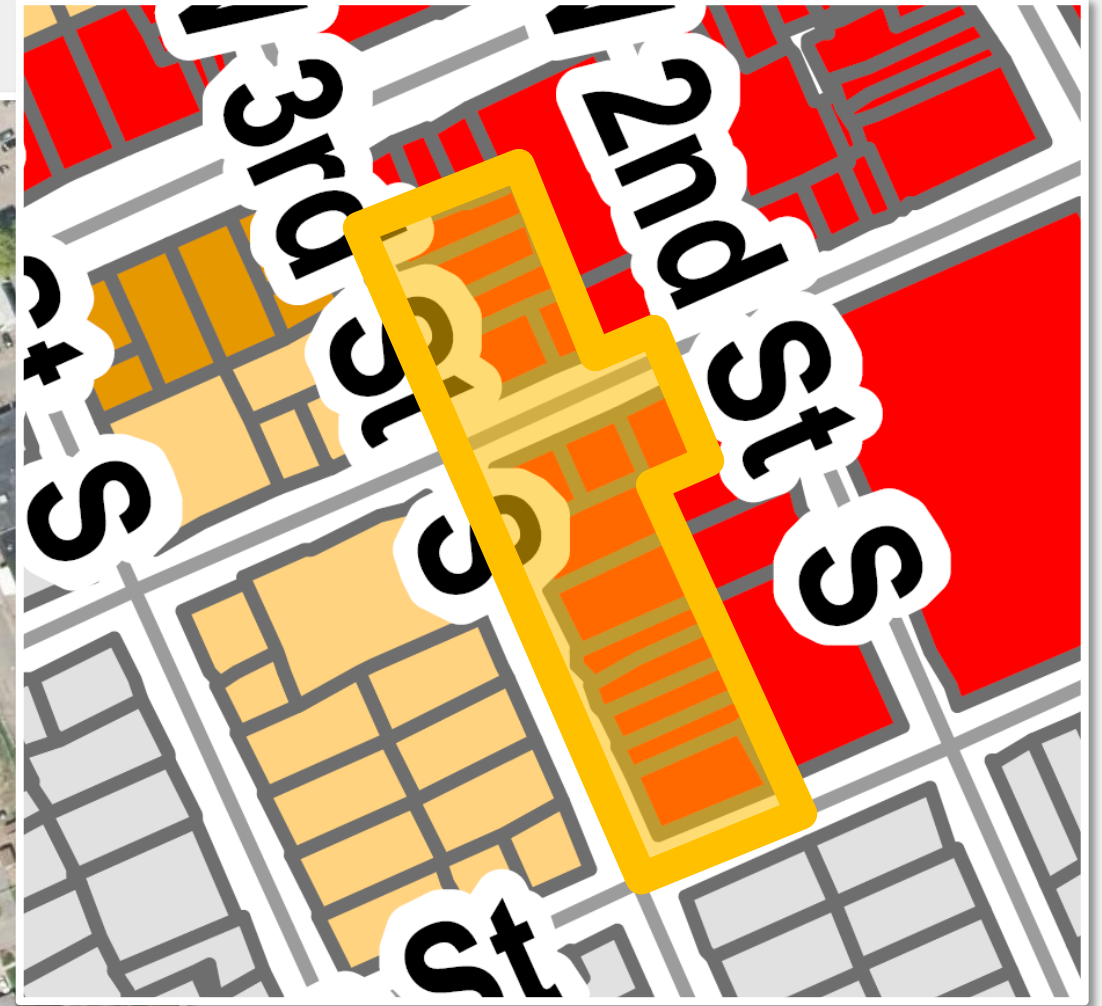
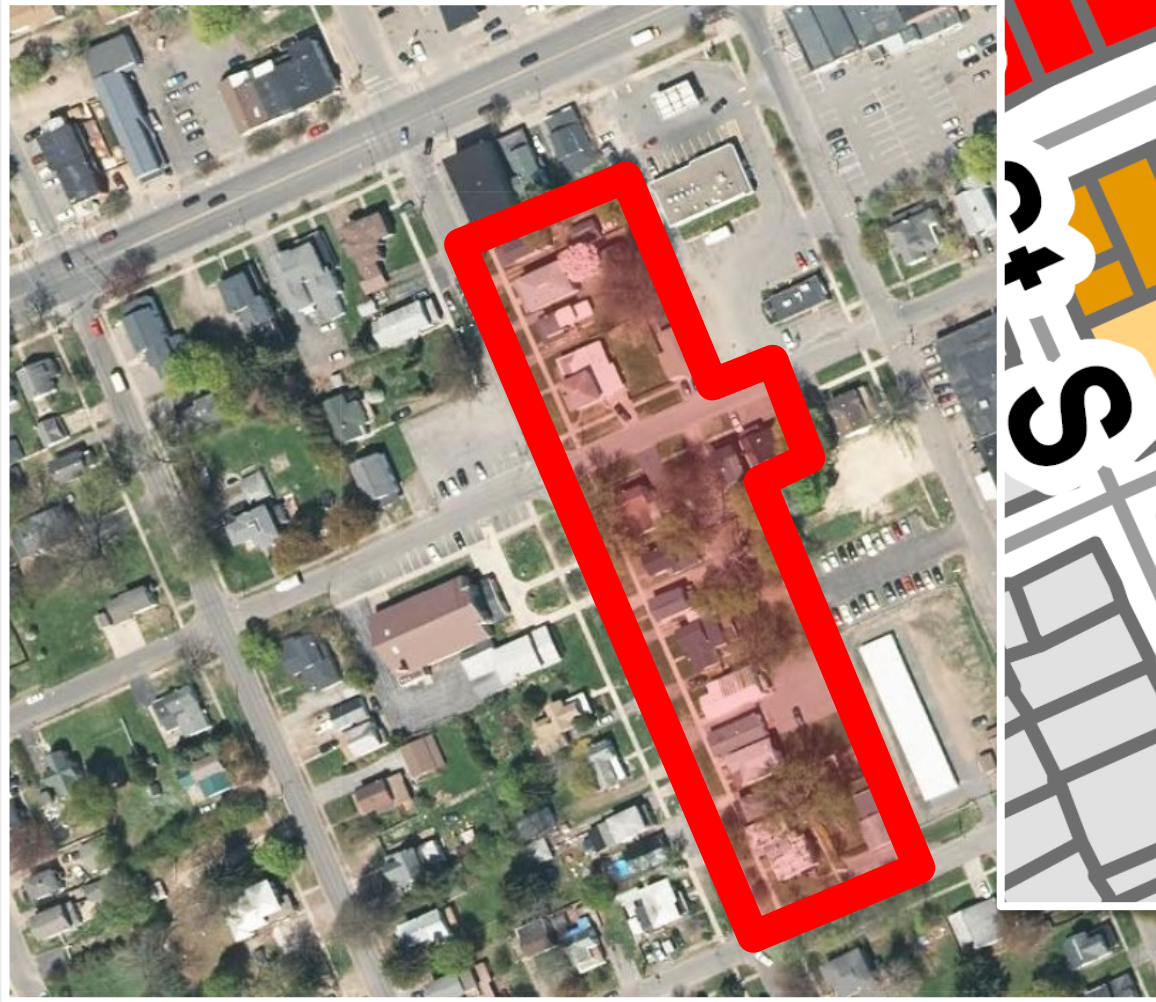
- C. The following accessory residential structures/uses shall be permitted in any R-2 Residential District, provided that such structures/uses are in compliance with § 640-13 and other applicable provisions of the zoning regulations contained herein:
- (1) One detached residential garage.
 - (2) A private 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.

640:17

Map Amendments



REZONE FROM COMMERCIAL TO RESIDENTIAL

■ General Review Process

- + Application Submittal – Ensure all required material provided
- + SEQR is **required** (typically Type I action) – Applicant completes Part 1 of forms)
- + Legislative Board refers application to PB and County PB
- + PB makes recommendation to Legislative Board
- + Legislative Board **required** to hold Public Hearing
- + Reviews / hearing may occur while awaiting County decision
- + Receive County decision; Complete remaining SEQR forms
- + Legislative Board Issues Decision

■ General Review Criteria

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

Amendments

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

■ Implications of Decision

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

Amendment: How would you decide?

Approve **A**

Deny **B**



Other Procedures

ADDITIONAL REQUIREMENTS & APPLICATIONS



Other Procedures

REQUIRED WITH APPLICATIONS

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

OPTIONAL APPLICATIONS

- Subdivisions
- Planned Developments



Phew!

COMMENTS? QUESTIONS?