



MRB | *group*



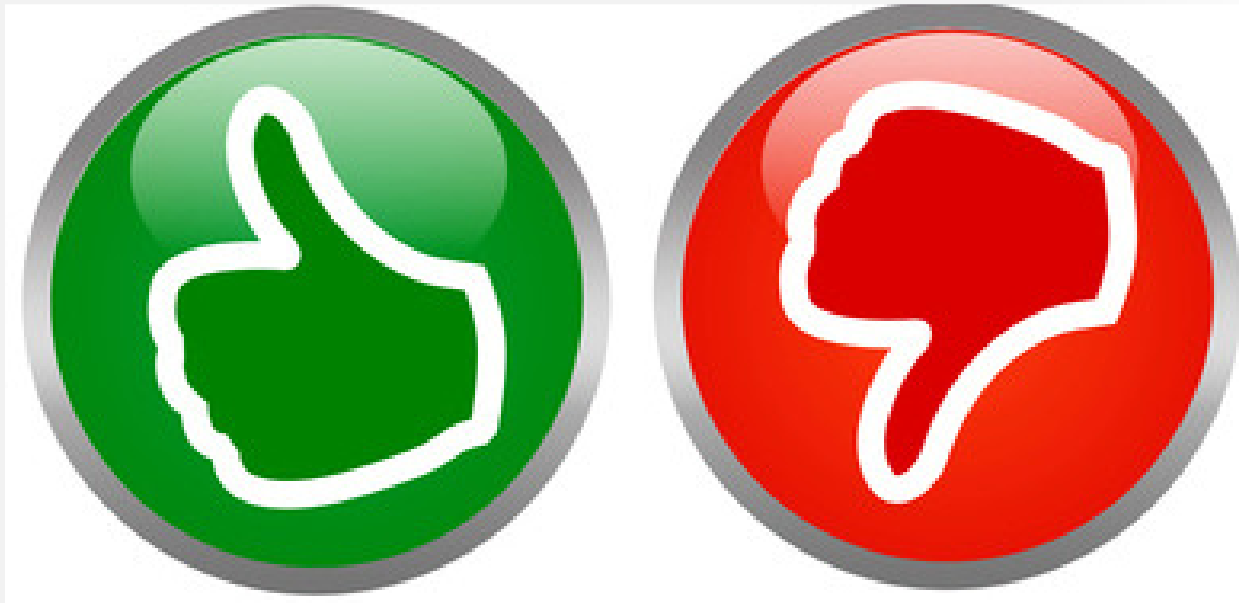
Development

Innovations and Best Practices for
Planning / Zoning Boards

Lance Brabant, Director, Planning Board Services
MRB Group



What is the Role of the Planning Board?



Planning Board Responsibilities

Planning Boards protect communities!

Advisory Role:

- Comprehensive Plans
- Land Use
- Zoning Changes
- Area Variance Requests

Regulatory Role:

- Review of Subdivision Plats
- Other powers assigned by the Board, such as review of site plans and special use permits.

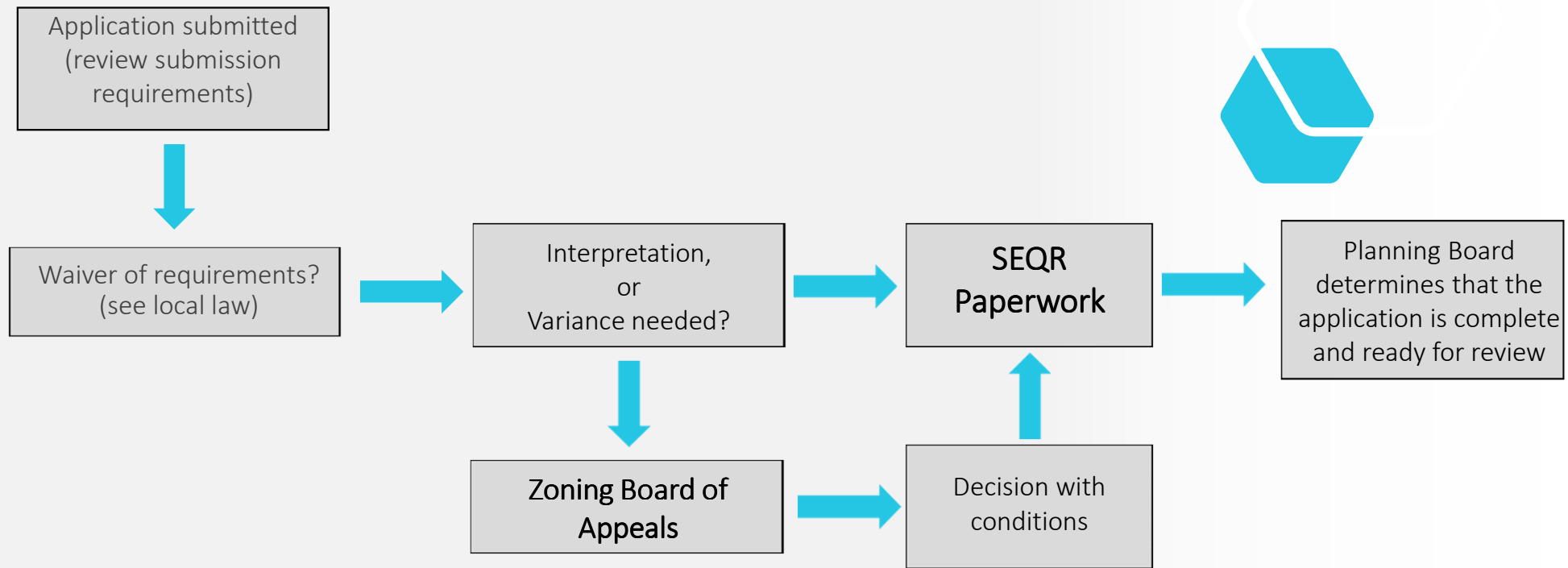


Application: Considerations

1. Is the application complete?
 - Is it ready for review?
 - Fees submitted?
 - Elements in local code met?
2. Know the calendar
 - Is a Hearing required? When?
 - Otherwise - action needs to be taken by a deadline.
 - Is a County referral required?
(Did the County respond on time?)



Application Ready for Review



Procedure In Town, Village, and City Law

Town Law Section 274-a,
Village Law Section 7-725-a,
General City Law Section 27-a)

Set Review Schedule

2021 BOARD CALENDAR

Meetings dates & times are subject to change

TOWN APPLICATION DEADLINE ¹ 12:00pm	SENECA COUNTY PLANNING BOARD ² Meeting: 7:00pm	HISTORIC PRESERVATION COMMISSION Meeting: 7:00pm	PLANNING BOARD Meeting: 6:00 PM	ZONING BOARD OF APPEALS Meeting: 7:30pm
January 25, 2021	February 11, 2021	February 23, 2021	February 25, 2021	February 25, 2021
February 22, 2021	March 11, 2021	March 23, 2021	March 25, 2021	March 25, 2021
March 22, 2021	April 8, 2021	April 27, 2021	April 22, 2021	April 22, 2021
April 26, 2021	May 13, 2021	May 25, 2021	May 27, 2021	May 27, 2021
May 24, 2021	June 10, 2021	June 22, 2021	June 24, 2021	June 24, 2021
June 28, 2021	July 8, 2021	July 27, 2021	July 22, 2021	July 22, 2021
July 26, 2021	August 12, 2021	August 24, 2021	August 26, 2021	August 26, 2021
August 23, 2021	September 9, 2021	September 28, 2021	September 23, 2021	September 23, 2021
September 27, 2021	October 14, 2021	October 26, 2021	October 28, 2021	October 28, 2021
October 25, 2021	November 11, 2021	November 23, 2021	November 25, 2021*	November 25, 2021*
November 22, 2021	December 9, 2021	December 28, 2021	December 23, 2021*	December 23, 2021*
December 27, 2021	January 13, 2022	January 25, 2022	January 27, 2022	January 27, 2022



Referrals:

GML Section 239-m and 239-n:
If a county planning agency or regional planning council exists, application materials for subject properties must be referred before taking final action on the proposal.



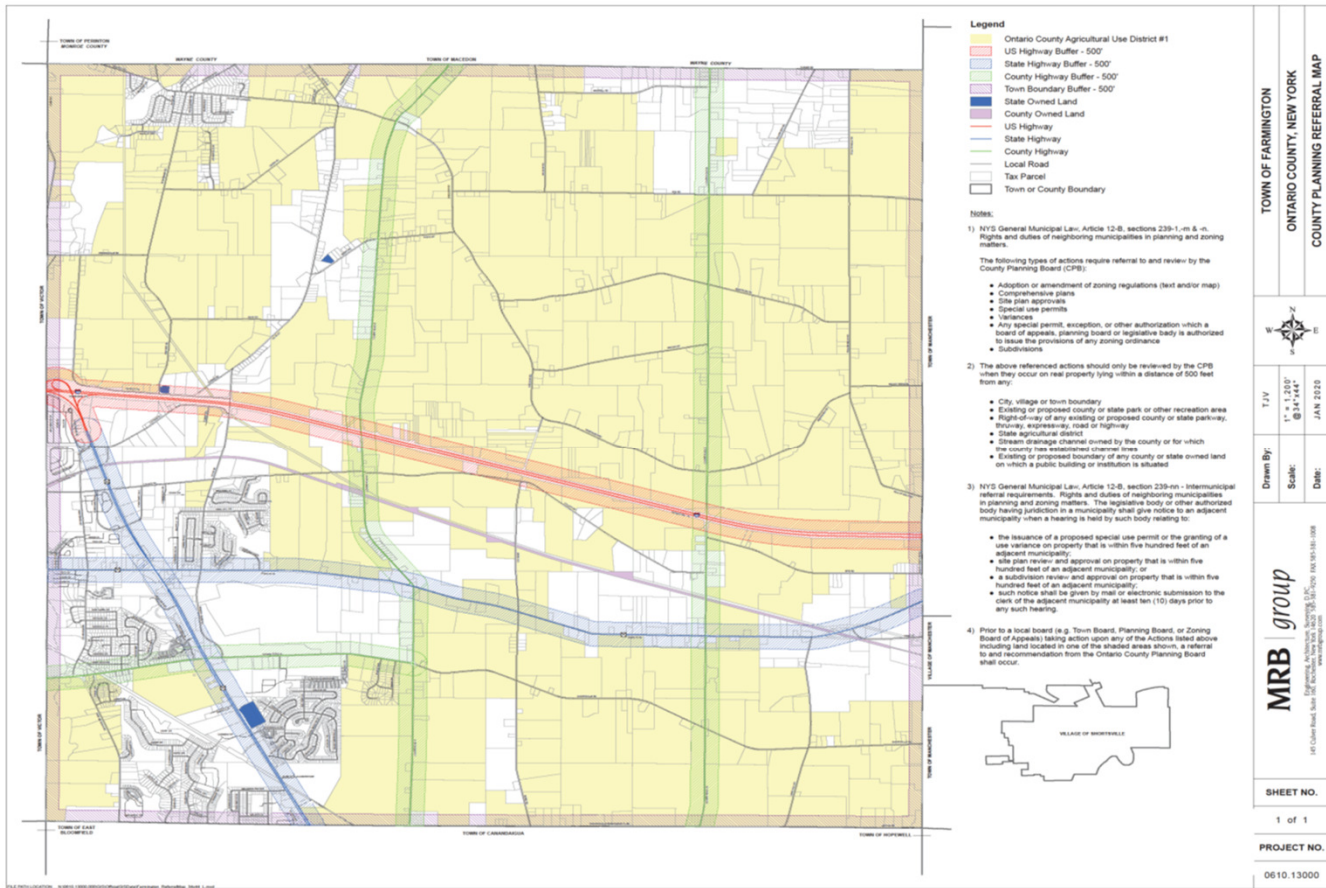
Referrals:

What is referred:

- ✓ Adoption or amendment of a comprehensive plan
- ✓ Adoption or amendment of a zoning ordinance or local law;
- ✓ Issuance of special use permits;
- ✓ Approval of site plans;
- ✓ Granting of use or area variances;
- ✓ Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.



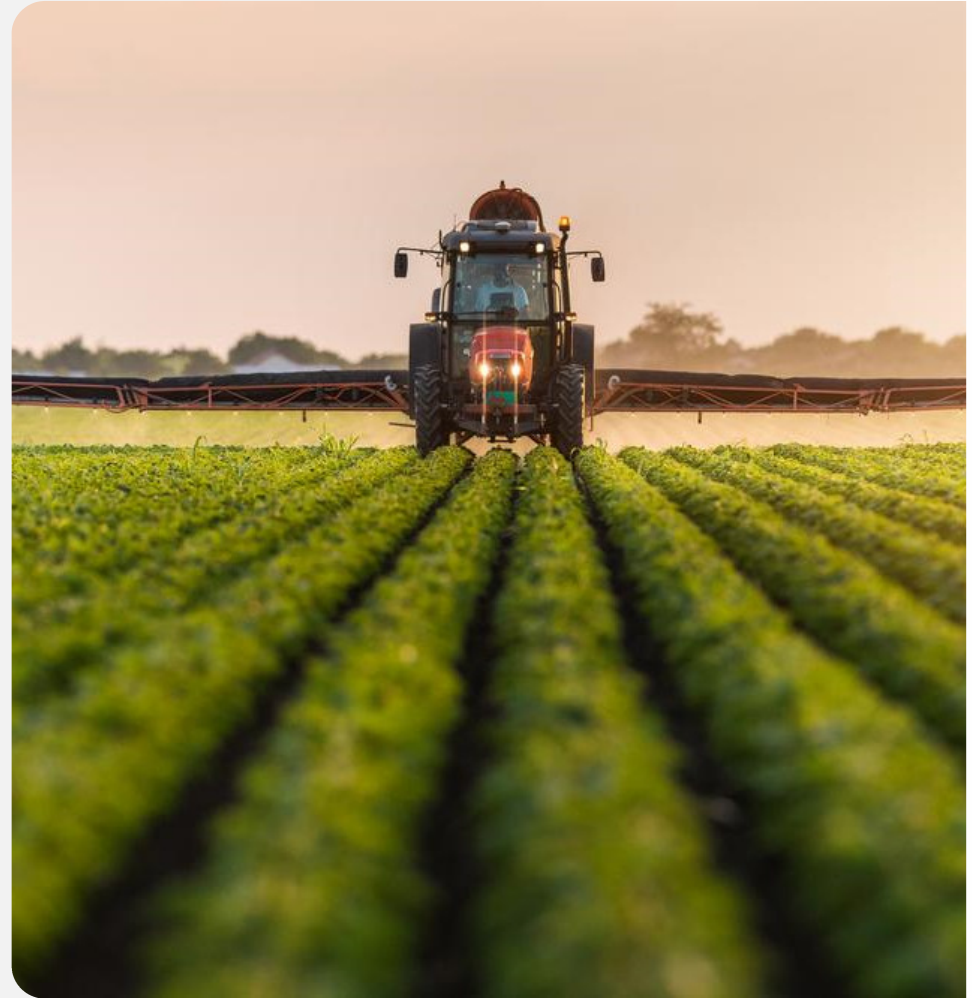
Referrals:



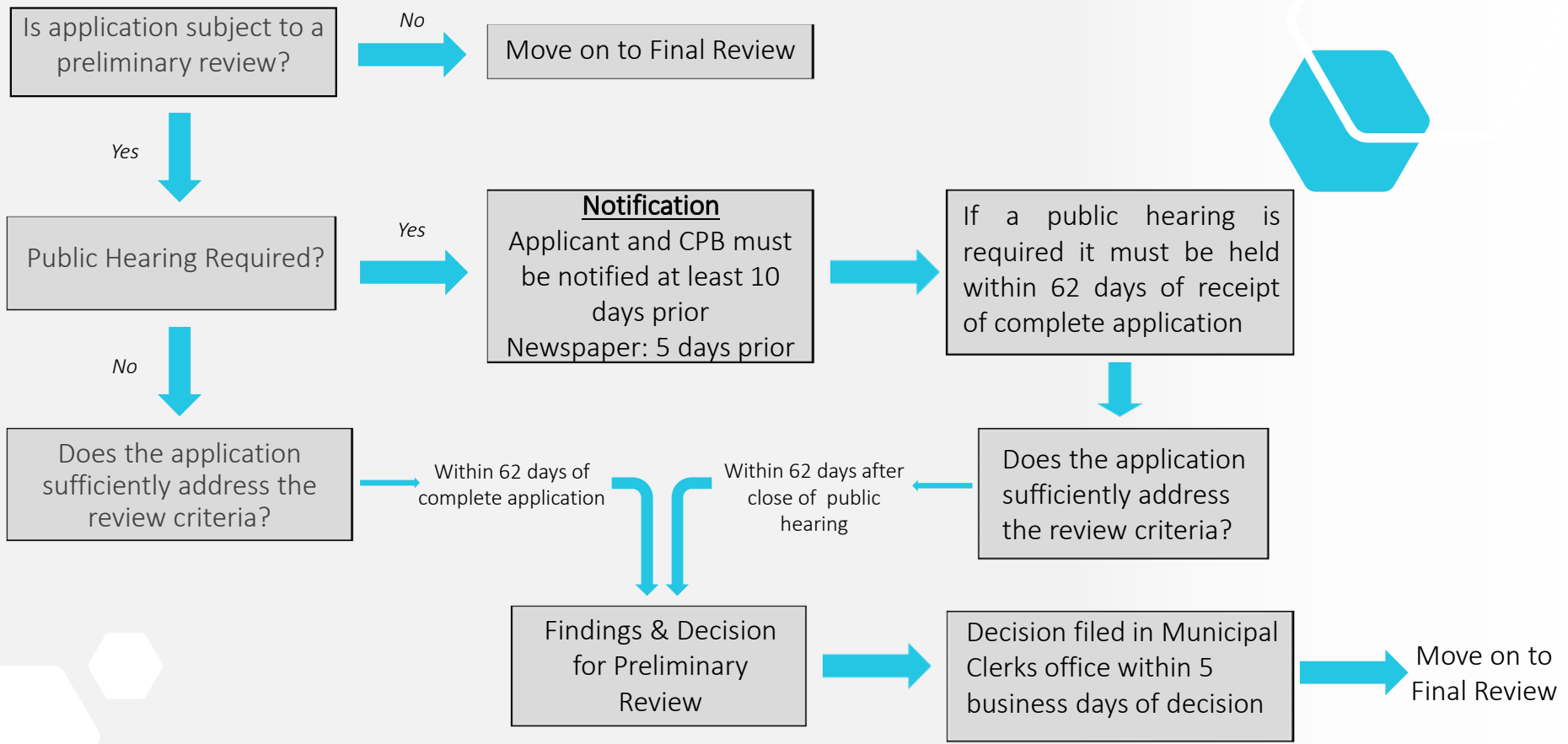
Referrals:

Geographic triggers – IF within 500' of:

- ✓ Municipal boundary;
- ✓ County/State park or recreation area;
- ✓ County/State road or right of way;
- ✓ County stream or drainage channel;
- ✓ County/State land with public facility;
- ✓ A farm operation in an Ag District

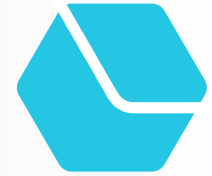


Application Review Process



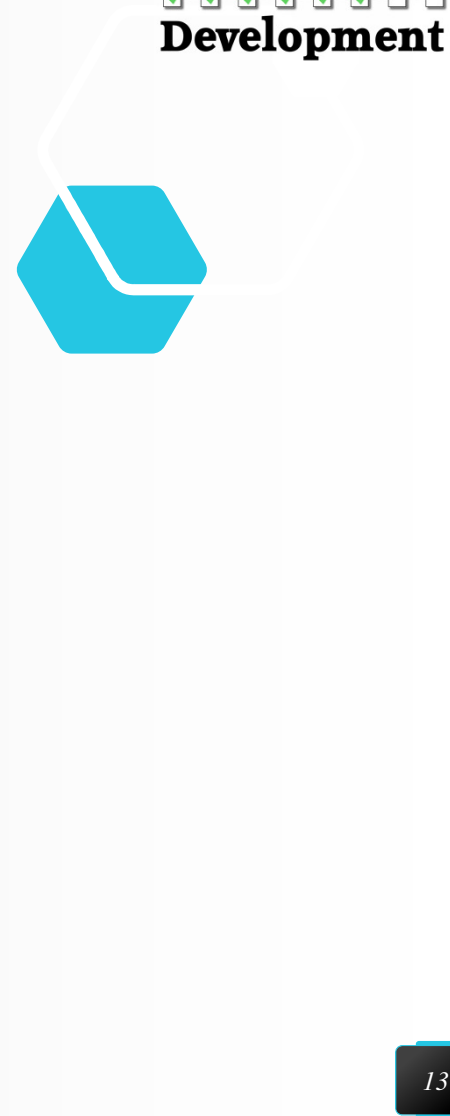
What should a good site plan look like?

- ✓ Legal data (tax map #, owner name, date, north, scale)
- ✓ Environmental impact: drainage, soil, archaeological, natural features
- ✓ Parking configuration
- ✓ Circulation: ingress and egress
- ✓ Screening and landscaping
- ✓ Signs
- ✓ Lighting
- ✓ Snow storage
- ✓ Location/dimension of buildings
- ✓ Adjacent land uses and features

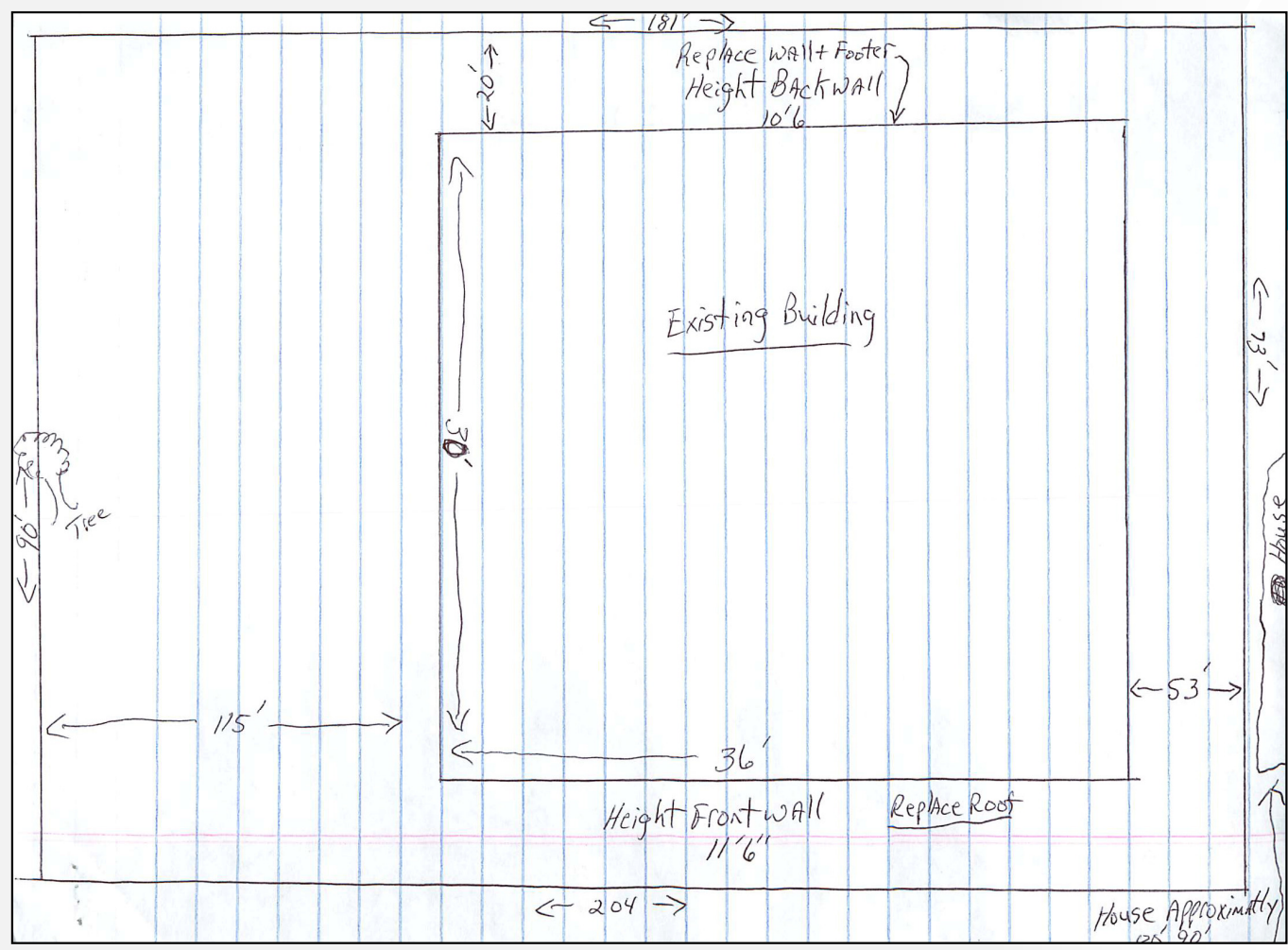


Other items that can be included:

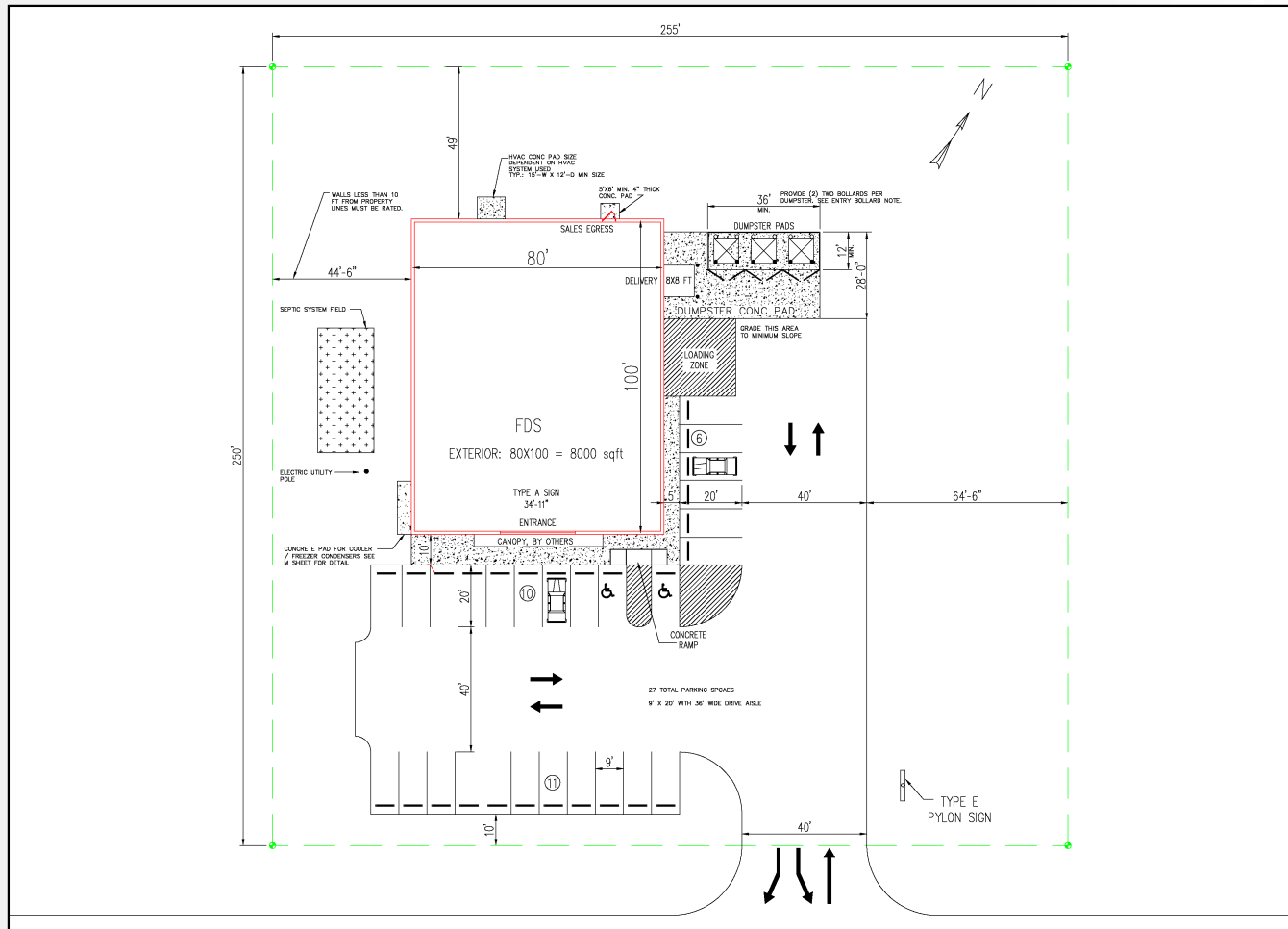
- ✓ Names of adjacent streets
- ✓ Existing zoning
- ✓ Natural features and boundaries (wetlands, flood planes, contours, wooded areas, rocks)
- ✓ Existing utilities (sewers, water, gas and power lines)
- ✓ Easements
- ✓ Existing fencing and buffering features
- ✓ Anything else the governing body may want to specify



Site Plan Examples



Site Plan Examples



Additional Considerations:

- Open and consistent communication with other boards, municipal officials, staff, the public, and other information sources is essential.
- No one knows everything about planning.
- Understanding how to find out is an essential part of a thorough review.
- Process is important!
- Create a complete and accurate public record.
- Support any decision with factual findings.





A good time for
your questions...

Special Use Permits

SUP defined:

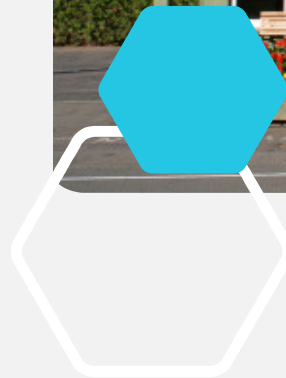
“The authorization of a particular land use that is permitted in a zoning law subject to specific requirements that are imposed to assure that the proposed use is in harmony with the immediate neighborhood and will not adversely affect surrounding properties”



Special Use Permits:

Common SUP conditions include:

- ✓ Minimum lot sizes, lot coverage & setbacks
- ✓ Buffering to address lighting, noise, odor etc.
- ✓ Sales limitations for businesses
- ✓ Number of employee restrictions
- ✓ Traffic impacts (parking, access, etc.)
- ✓ Limited change in appearance



What is the Role of the ZBA/ Planning Board regarding Special Use Permits?

To ensure that all conditions listed in the code are addressed -

The calendar is important – public hearings are required within 62 days of submission and a decision 62 days after the hearing -

County review may be necessary.



Special Use Permits:

Site plans, special permits and subdivisions can have conditions attached.

Condition: a requirement or qualification that is attached to the approval of a project. Must be satisfied before issuing a building permit or certificate of occupancy. (NYMIR Web Glossary)

The goal is to balance the applicant's development interest and to protect the community from *adverse impacts*.



**IF AND
ONLY IF**

Zoning Board of Appeals Responsibilities

“Appellate” Jurisdiction

The ZBA exists primarily for its appellate functions, in which it acts as a buffer for aggrieved applicants between decisions of the Code Enforcement Officer and the State Supreme Court.

The Zoning Board of Appeals are granted two appellate functions:

1. *Use and Area Variances*
2. *Interpretation of the zoning regulations*

“Original” Jurisdiction

The Zoning Board of Appeals can be given “original” jurisdiction by the local governing board.

Examples:

1. *Special Use Permits*
2. *Site Plan Review*



Variances

Use Variance: establishes a use that isn't allowed

Area Variance: a reduction in a dimensional requirement

Provides relief from strict application of the law



Use Variances:

Variances are granted by a ZBA

Can also conduct interpretations if an applicant and Code Enforcement Officer disagree on understanding of definition or regulation

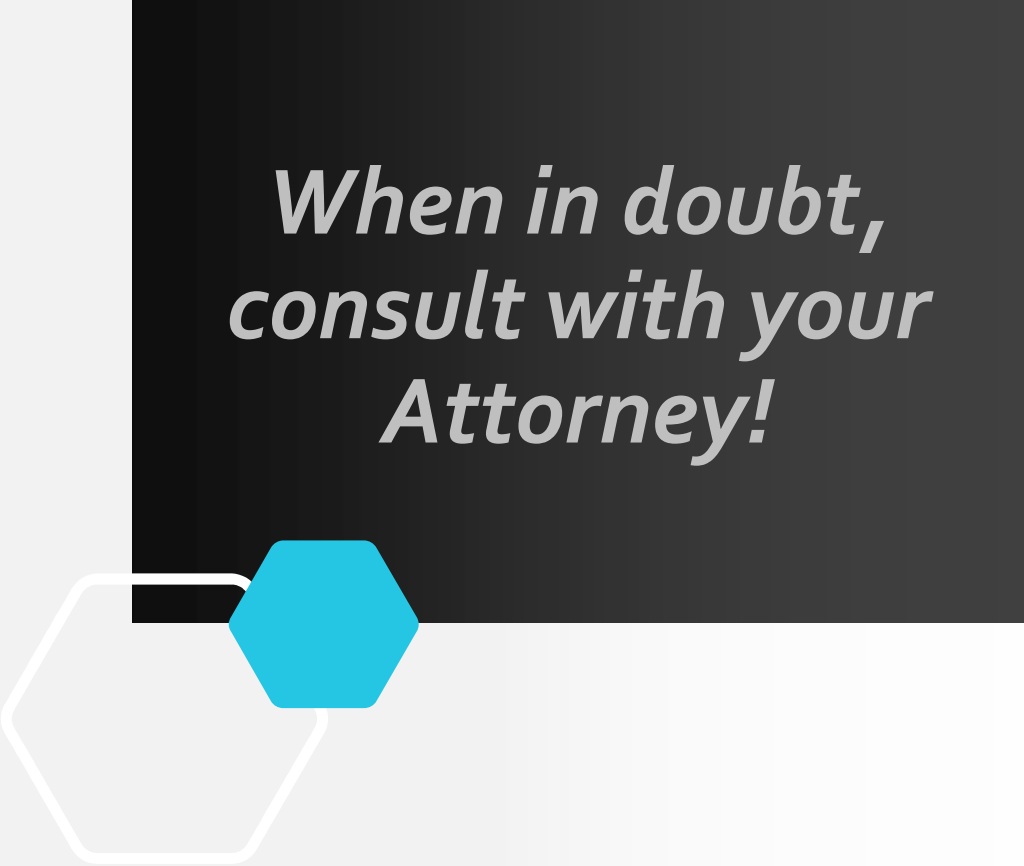
The ZBA does NOT review Planning Board decisions!



Use Variances:

Property must demonstrate hardship by satisfying each of the legal tests:

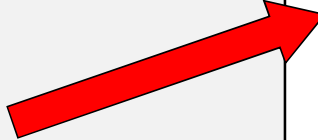
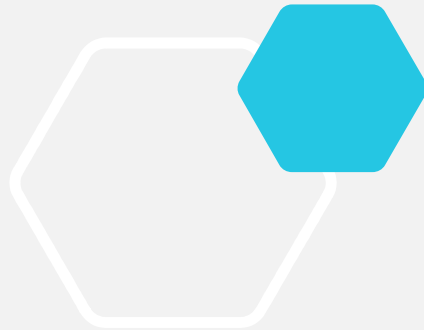
- ✓ No reasonable return on the property
- ✓ Hardship is unique
- ✓ Will not alter essential character of neighborhood
- ✓ Hardship is not self-created



***When in doubt,
consult with your
Attorney!***

Application for a Use Variance:

“...the applicant must demonstrate to the ZBA unnecessary hardship. Such demonstration includes all of the following for each and every permitted use within the district. Please provide supporting evidence for each point.”



TESTS FOR GRANTING USE VARIANCES
BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

“Use variance” shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. (Town Law Section 267, subsection 1.(a)).

To enable the Zoning Board of Appeals to grant “use variances,” the applicant must demonstrate to the ZBA unnecessary hardship. Such demonstration includes *all* of the following for each and every permitted use within the district. Please provide supporting evidence for each point. Attach additional sheets if necessary. (Town Law Section 267-b, subsection 3.(b)).

- (1) Under applicable zoning regulations, you cannot realize a reasonable return provided that lack of return from the subject property is substantial as demonstrated by competent financial evidence.

- (2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

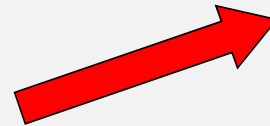
- (3) The requested use variance, if granted, will not alter the essential character of the neighborhood.

- (4) The alleged hardship has not been self-created.

Form: M:\Development Office\Forms\Z-002 Test For Granting Use Variances.doc 10/7/10

Application for a Area Variance:

“In deciding whether to grant an area variance, the ZBA takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment of the health, safety, and welfare of the neighborhood or community.”



TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. (Town Law Section 267, subsection 1.2b).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

- (3) Whether the requested area variance is substantial.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

Town 546322-01/000

Area Variances:

Considerations:

- ✓ Undesirable change to neighborhood -
- ✓ Can an alternative be achieved?
- ✓ Whether variance is substantial -
- ✓ Negative impacts to environment -
- ✓ Is hardship self-created?

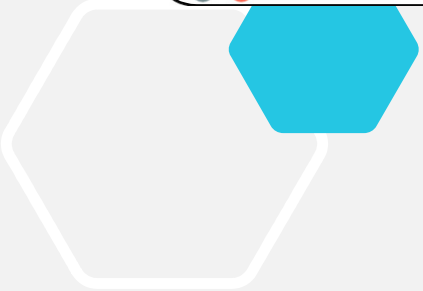
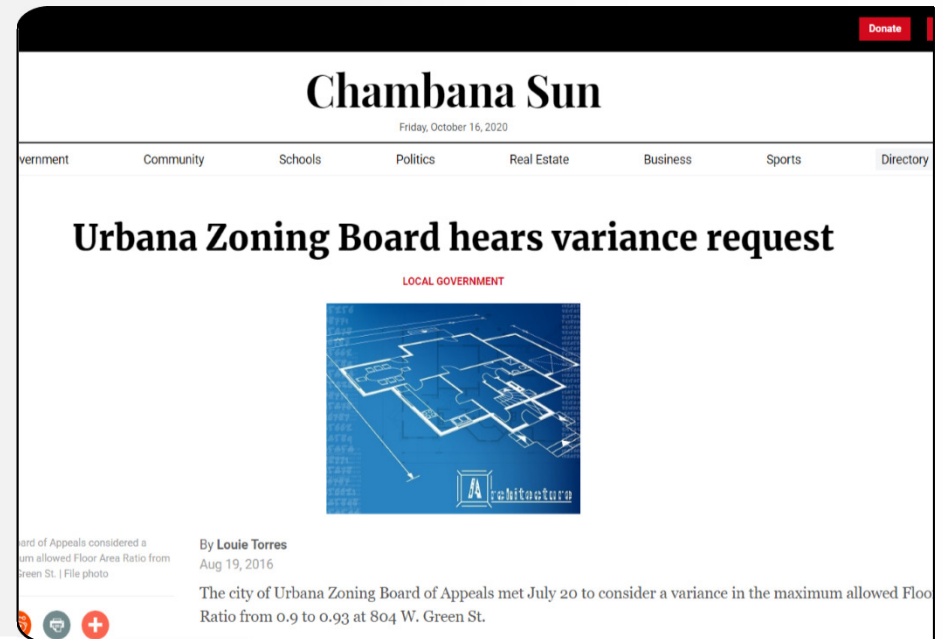


Variations:

Variations granted by a ZBA

Can also conduct interpretations if an applicant and Code Enforcement Officer disagree on understanding of definition or regulation

The ZBA does NOT review Planning Board decisions!



Best Practices:

A comprehensive plan becomes a Litmus test for decision making:

Does this request support the plan's vision of our future?

Zoning and planning must be legislated and enforced "... in accordance with the comprehensive plan."

Town of Waterloo Comprehensive Plan

VISION WATERLOO
a comprehensive plan for the future
Town of Waterloo, NY
ACCEPTED JANUARY 23, 2017

ABOUT OUR RESIDENTS
The residents of the Town of Waterloo are getting older! The composition of the population is changing. While the median age in 2000 was 39.1, it increased to 45.2 in 2010, just one decade later. The County's age distribution shows a similar trend, reflecting a national shift in age. Federal legislation long ago recognized the need to address the social phenomena surrounding our aging population. Locally, the concept of "aging in place" requires communities to rethink resident services, availability of elder-related routine municipal activities such as public sidewalk maintenance when accommodating an aging population. The average level of education attained by Waterloo residents is higher than that of County residents. Of all Towns of the County, Waterloo has the highest level of high-school graduate (or higher). Residents are more educated than the County average of 19.6%.

INCOME
Current data shows a median annual income for Town of Waterloo residents of \$50,539. The median level in Seneca County is \$48,932. When compared to 2000 levels, when the median income was \$33,089, Town of Waterloo residents have seen a significant increase in income.

Did you know...?

FROM PRESENT TO FUTURE: CLOSING THE GAP
FORMULATING A SHARED VISION
Residents of the Town of Waterloo answered specific questions about what kind of community they imagined and desired. The Steering Committee examined those responses carefully in order to summarize and reflect the community's consensus and reflect the Town of Waterloo.
A "Vision Statement" was formulated and shared in a workshop, receiving positive feedback from attendees.
"Do for the future you're grateful past did for you."
- Danny

"The Town of Waterloo will be recognized as a safe, attractive, and affordable residential community where natural and historical resources are valued, and the rural atmosphere is balanced with a vibrant community center and strong retail and commercial businesses, all of which contribute to a significant quality of life for families, friends, and neighbors."

Town of Waterloo
66 Veterans Street
WATERLOO, New York 13165

Present to Future: Closing the Gap
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Best Practices:



Tools & Resources

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
(585) 394-1120 / Fax: (585) 394-9476

**NOTICE TO ALL
PLANNING BOARD APPLICANTS
FOR SITE PLAN APPROVAL
ONE STAGE
(Preliminary/Final Combined)**

The applicant is responsible for the completeness of all forms for the application to be processed. All completed applications are subject to the rules and regulations as established by State of New York and the Town of Canandaigua. The Development Office cannot guarantee any board approvals for completed applications.

It is important that the applicant completes all of the information requested in this packet. Doing so will facilitate the review process by the Planning Board at a public meeting and will not cause unnecessary delays to either you or other applicants.

****Please Note:** In addition to this packet, please check with the Zoning Officer regarding which building permit application(s) must be submitted with these forms. **

\\development-office\planning-board\form\site-plan-application\one-stage\plan-review-packet\application-packet-one-stage.doc 1/28/13

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

**ZONING BOARD OF APPEALS
AREA VARIANCE APPLICATION**

NOTICE TO ALL APPLICANTS:

The ZONING BOARD OF APPEALS reviews submitted applications on a first-come-first-served basis. The number of applications scheduled for review will vary depending upon the number and complexity of the applications received. The goal of the ZBA is to process all applications in a timely and efficient manner.



Applicant must see that all forms are filled out completely and accurately before the application can be processed. All completed applications are subject to the rules and regulations as established by the Town of Canandaigua and the State of NY. This department does not guarantee any board approvals for completed applications.

Form: M:\Development\Office\Forms\Zoning\Area Variance\one-stage.doc

1/8/13

Tools & Resources

TOWN OF FARMINGTON



**MAIN STREETScape OVERLAY DISTRICT (MSOD)
GUIDELINES
ROUTE 96 CORRIDOR**

September 2020

Adopted # ____ of 2020 Resolution # ____ of 2020

Town of CANANDAIGUA

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424
(585) 294-1322
Fax (585) 294-9476
Established 1739

**SITE DESIGN AND DEVELOPMENT
CRITERIA – SEPTEMBER 2018**

ADOPTED BY THE TOWN BOARD ON:
DECEMBER 16th, 2008

AMENDED BY THE TOWN BOARD ON:
AUGUST 18th, 2009
SEPTEMBER 17th, 2018

Prepared by:
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www.mrbgroup.com — e-mail: info@mrbgroup.com

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The following is an excerpt from the New York Education Law Article 145 Section 7209 and applies to this document.
"It is a violation of the law for any person unless he is acting under the direction of a Licensed Professional Engineer or Land Surveyor to alter or amend in any way, if on both having the Seal of an Engineer or Land Surveyor is placed, the Working Engineer or Land Surveyor and affix to the item his Seal and the notation "Altered by" followed by his signature and the date of such alteration and a specific description of the alteration."







A good time for
your questions...



MRB | *group*

Thank You

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-  (585) 381-9250
-  Lance.brabant@mrbgroup.com
-  www.smarterlocalgov.com