

Planning Board Basics

Southern Tier West Webinar
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Overview

- Planning boards are governed by Article 16 of NYS Town Law, Article 7 of NYS Village Law and Article 3 of General City Law
- The municipal Governing Body (e.g., Town or Village Board, City Council) is authorized to establish the Planning Board and assign it with recommending or approval power
- The Governing Body appoints Planning Board members to a term equal to the total number of members (5 or 7) that comprise the board



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Overview

- The Governing Body can adopt a local law allowing for the appointment of alternates To the Planning Board
- Pursuant to the Public Officers Law, as an appointed member of a planning board, you must take an Oath of Office within 30 days of your appointment
- The municipal Governing Body has the power to remove you from the board “for cause” and after sufficient notice. You can resign your position at any time



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Planning Board Qualifications

- Must be 18 years of age or older
- Must be a citizen of the United States
- Must be a resident of the community where you serve
- Town Board members are not eligible to serve on the Planning Board



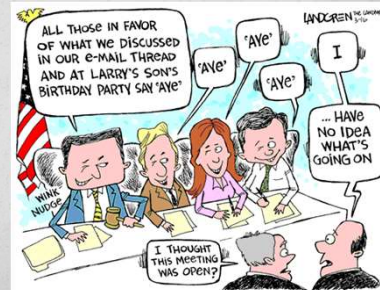
Other Considerations:

- Show an interest in the position
- Technical or other skills/experience
- Needs of the community
- Political considerations

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Planning Board Basics

- Must have a “quorum” or majority of the board members to take action on any published agenda items
- Any gathering of a quorum of the board to conduct public business is subject to the Open Meetings Law (this includes emails and other forms of social media!!)
- A Public Notice must be posted in advance to advertise all meetings of the planning board



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Planning Board Basics

- Communities should have procedures for organizing for and conducting meetings:
 - Setting and posting an agenda
 - Preparing and distributing background information to board members (agendas, plans, other documents)
 - Confirming member attendance
 - Room and equipment set up
 - Order of business for meetings (format)



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Planning Board Basics

- Know what is required of you as a board member in your community (review local processes and procedures)
- Be prepared and do your homework – review plans and do site visits prior to meetings
- NYS law mandates that every Planning Board member receive a minimum of four (4) hours of training per year
- As a “public officer” you must perform your duties in an ethical manner



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Meeting Basics

- Work Sessions – formal meetings of the board to review agenda items to prepare for regular meetings
- Regular Meetings – official gatherings of the planning board to take action on agenda items
- Public hearings must be held for special use permits, subdivisions and adoption/amendment of laws
- Taking public comments for site plans is a matter of local law or practice, but not mandated by the State



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Meeting Basics

- Referrals - some planning boards refer projects to other local boards or committees.
- All site plans must be referred to County Planning agencies under General Municipal Law 239-m - sometimes subdivision plats too (GML 239-n), check your local County requirements.
- Actions – decisions of the board to table, approve, approve with conditions, or deny an agenda items through a formal resolution



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Taking Action on Applications

- Your decisions must be objective and based on the law and the evidence in the record – legally defensible
- You must balance public comments with the applicant’s information and the merits of the project
- Meeting Minutes are the official record of discussions and actions taken at board meetings
- Meeting minutes don’t have to be verbatim
- Plans, applications, studies, public correspondence, etc. are also part of the record and should be kept in a project file



2020-19

Terms of Clearance
 On Resolution Number 2019-000
 Planning Board Minutes
 September 22, 2020

Start Time: 8:30 am
 Start of Public Comment Session
 Review of Agenda Items
 Board Meeting

Agenda Item: 1.00 am
 Approval of Minutes

Item 1.01 1.01 Item 1.01: Single Unit Land Residential Single Family	Request: Site Plan Approval for a Public Service Facility at 1275 Harts Hill Road.
Item 1.02 1.02 Item 1.02: Public Hearing/Board Review of Application	Request: Development Plan Approval for a 60,000 sq. ft. Single-Story Industrial Building on the east side of Harts Hill Road, north of Green Road.
Item 1.03 1.03 Item 1.03: Public Hearing/Board Review of Application	Request: Development Plan Approval for Phase 1 of a 100,000 sq. ft. Office Building on the east side of Green Road, north of Harts Hill Road.

* Vice Chairman Paul: There will be a meeting to order at 7:30 pm.

Start of Public Comment Session at 8:30 am

Planning Board Members present:

Vice Chairman Paul: Steve	Vice Chairman Wendy Sabat
Chairman Paul: Steve	Richard: Steve
Member: Steve	Member: Steve

Planning Board Members absent: Chairman Robert Sackett

Guests: Steve

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Planning Board Duties and Project Review

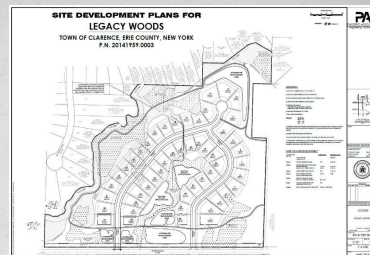
- Projects – Site Plan review, Subdivision Plat approval, Special Use Permits
- Zoning Amendments (requests for rezoning) – review and recommendation
- Advisory Role and Special Assignments – Comprehensive Planning, Zoning or other Law Updates
- State Environmental Quality Review (SEQR)



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Subdivision Approval

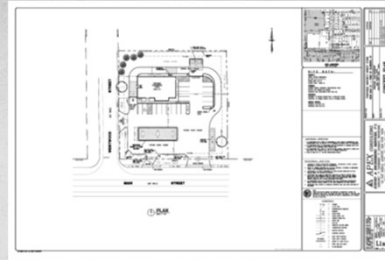
- Subdivision approval authority is vested solely within the Planning Board in accordance with adopted subdivision regulations
- Division of a single parcel of land into a number of individual lots (with or without streets) and may be defined as minor or major in local regulations
- It's not zoning – is focused on the design of a site (lot layout) and proposed site improvements (infrastructure) and cannot be used to control lot size, site dimensions or use of the land
- Preliminary and Final Plat approval processes



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Site Plan Review

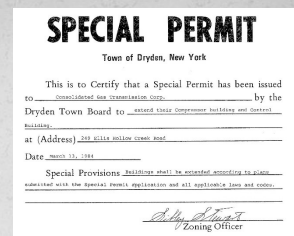
- This is a delegated authority used to fine-tune development of commercially-zoned properties
- Community must have adopted site plan review regulations that specify the elements to be addressed as part of project review process (lot coverage, site access, parking, etc.)
- Site plan review must be done in accordance with existing zoning requirements (does design meet bulk requirements?)
- Should also consider elements like internal circulation, signage, location of dumpsters, lighting and landscaping
- Typically a one-step process with public input (not a hearing unless specified as such in a local law)



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Special Use Permits

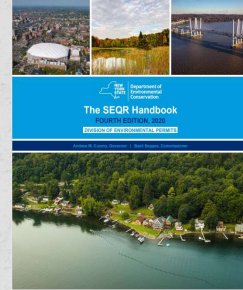
- A discretionary approval process that deals with use compatibility for uses allowed by zoning (different from a use variance)
- Adds flexibility to the zoning law through the establishment of special conditions that relate to potential impacts of the site development (the focus is on avoiding adverse impacts to the surrounding neighborhood)
- Uses permitted by special use permit must be listed under the zoning district they are allowed in
- Approval decisions/conditions should be guided by standards set for in local regulations as they relate to specific uses
- Also known as special exception or conditional use permits



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State Environmental Quality Review (SEQR)

- Required for almost all actions taken by the Planning Board and is built on the recognition that we are stewards of the environment and must include environmental considerations in our decision-making
- Applies to all actions that require approval, a permit or funding
- Type I, Type II and Unlisted actions
- SEQR review must be initiated by the Planning Board and requires designation of a Lead Agency (regardless of the board has approval power)
- Requires completion of an Environmental Assessment Form and a Determination of Significance (positive or negative declaration)



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Dealing with the Public

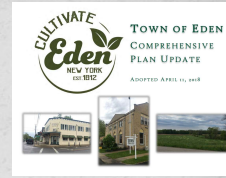
- Meetings are held in a public setting
- You will hear from those who are profoundly against the action and from experts offering opinions in contrast with those of the public – be sure to let everyone speak
- Be respectful and strive to employ high standards, honesty and ethics in your decision making, know your application materials and follow the law
- There may be projects you don't like; if they meet the law and won't result in significant adverse environmental or community impacts, it may be difficult to deny the project



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Skills for Success in your Role on the Planning Board

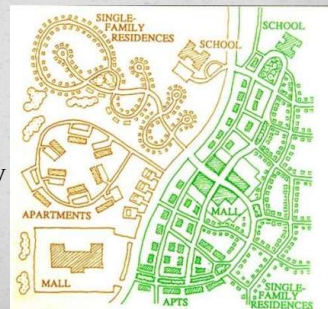
- Get to know your community – drive around, read the comprehensive plan, etc.
- Know your local regulations and required procedures – get copies of your land use regulations and learn them (zoning, subdivision, other relevant local laws and regulations)
- Know how to read maps and plans – This is essential for project review
- Know your partners and resources – there are numerous agencies and organizations that can help you!
- Treat everyone with courtesy and respect – make this a common practice!



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Final Considerations

- Decisions rendered by the Planning Board affect property rights, the future development and preservation of the character of your communities
- Your service reflects the notion that the soundest growth and planning decisions are made by a cross-section of community members who donate their time and efforts in the public interest
- Too often political considerations may intrude, and the public often fails to understand the basis of your decisions – but balance all considerations and follow the law to the best of your ability
- Continue learning more about land use planning, procedures, and decision making



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Suggested Resources:

The Short Course – A Basic Guide for Planning Boards and Zoning Boards of Appeals in New York State, 9th edition (2014)

Published by the NY Planning Federation (NYPF.org)

Local Government Training - New York State Office of Local Government Services
- <https://www.dos.ny.gov/lg/lut/index.html/> - online training programs and other services and publications

James A. Coon Local Government Technical Series

Published by the NY State Division of Local Government Services

- <https://www.dos.ny.gov/lg/publications.html>

New York Municipal Insurance Reciprocal (NYMIR) - Land Use Training Program for Local Government Officials – online training program administered by Pace University Land Use Law Center and the New York Planning Federation

A Guide to Procedures Governing Public Meetings, 1st edition (2013) -

New York Planning Federation Technical Series (NYPF.org)

SEQR Handbook – (NYSDEC)

- <https://www.dec.ny.gov/permits/6188.html>



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Suggested Legal Resources:

- ***New York State Town Law – Article 16***
- ***New York State Village Law – Article 7***
- ***New York State General City Law – Article 3***
- ***Open Meetings Law: Public Officers Law – Article 7, Section 100***
- ***Freedom of Information Law: Public Officers Law – Article 7, Section 6***
- ***Robert’s Rules of Order***



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Questions



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