

Planning Board Roles and Responsibilities

Potsdam Local Government Conference
October 15, 2019

Presented by Jason Pfotenhauer, St. Lawrence County Planning Office

Agenda

- ***Congratulations on your appointment!***
- ***Planning Board Basics***
- ***Keeping up the Momentum***
- ***Site Plan Review***
- ***Subdivision Review***
- ***Special Use Permits***
- ***SEQR - what it is and when to submit***
- ***Referral to the County Planning Board***
- ***Training Requirements***
- ***Take-Aways – remember all three and win a prize!***

Appointment

- ◉ Municipal Board (town) or Chief Elected Official (village) make appointments
- ◉ Membership
 - Planning Board, 5 or 7 members
- ◉ Terms should be staggered, and area equal to the number of members on the board
- ◉ Alternate members appointed by the municipal board

Planning Board Basics

- ◉ Meetings
 - Advertised and regular
- ◉ Public Hearings
 - Dictated by projects, timing is critical
- ◉ Minutes are a must
- ◉ Decisions need to be made in a timely manner

How to keep up Board service momentum

Problem: It's becoming harder and harder to get residents to serve on Planning Boards and keep them there.

Solution: Have a large, controversial development occur in your community.
OR...

Serve Food!



Incentives

- ◉ Some municipalities pay a mileage reimbursement
- ◉ Some pay an actual yearly stipend for service
- ◉ Some pay for conferences
- ◉ Incentives are at the discretion of the municipal board

Education

- ◉ The more people understand the roll that you play in your community the more it will be seen as important
- ◉ Critical that municipalities keep land use documents current and use them
- ◉ The more Board members know the more invested in the process they become

Shared Duties

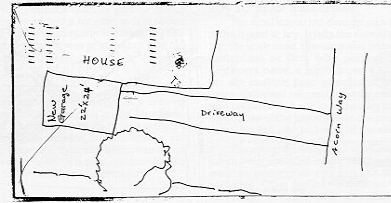
- ◉ Planning Board and ZBA members can sit on each other's Board
- ◉ CEO can sit on Planning Board but not ZBA
- ◉ Meetings cannot be combined
- ◉ Two municipalities can agree to have a joint Planning Board or ZBA

Take-Away # 1

Minutes are a vital part of any meeting. They help you remember what you did! Always take written minutes.

Planning Board Jurisdiction

- ◉ Site Plan Review
- ◉ Special Use Permits
- ◉ Subdivisions
- ◉ Comprehensive Planning



Site Plan Review

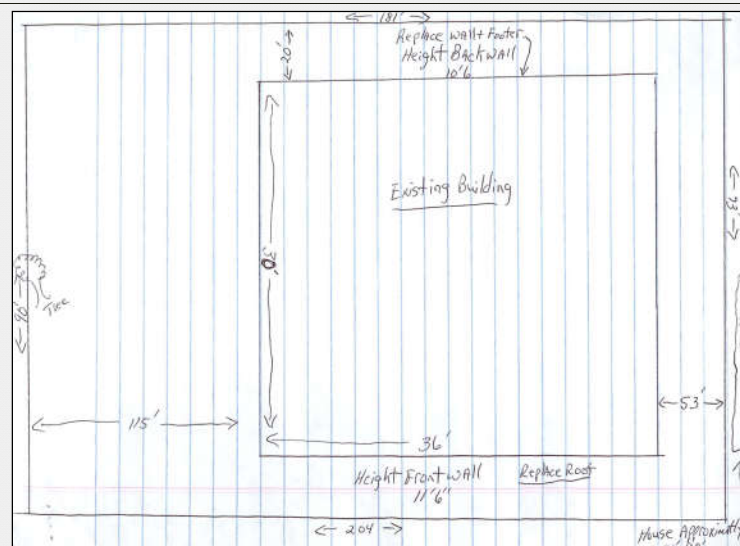
- ◉ Site Plan Defined:
"A drawing, prepared in accordance with local specifications, that shows the arrangement, layout and design of the proposed use of a single parcel of land."

Site Plan Review

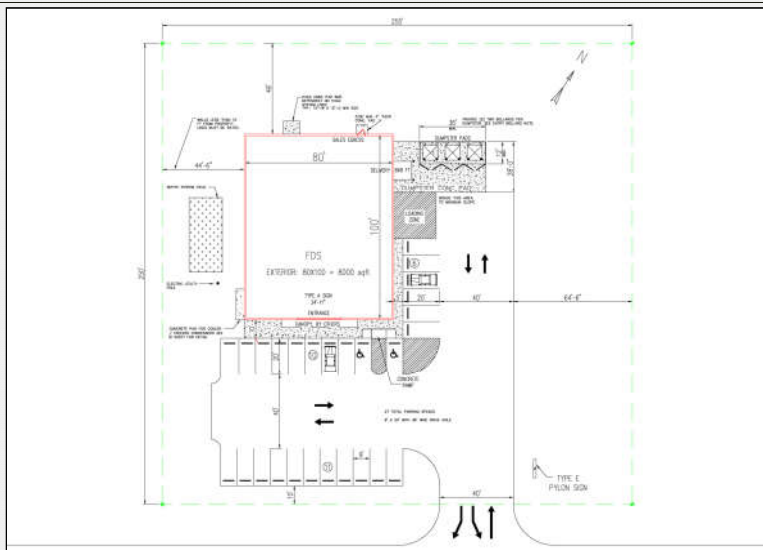
- ◉ Board deliberates the merits of a project based on review considerations in Code
- ◉ Considerations may include:

Parking	Means of access
Lighting	Snow storage
Landscaping	Adjacent land uses
Drainage	Natural features
Bulk and height	Existing utilities
- ◉ Public hearing may or may not held

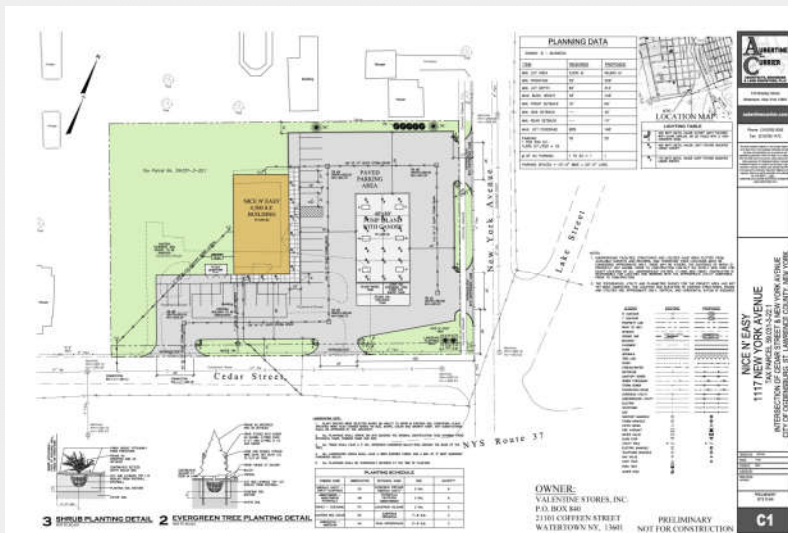
Site Plan Review



Site Plan Review



Site Plan Review



Special Use Permits

- ◉ Special Use Permit 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

- ◉ SUPs offer an additional layer of protection for uses that are less compatible such as:
 - agricultural uses in residential zones
 - home occupations
 - small rural businesses
 - group dwellings
 - bar/restaurants
 - auto service and repair

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

Special Use Permits

- ◎ The role of the Planning Board in reviewing SUPs is to ensure that all conditions listed in the code are addressed
- ◎ Public hearings are required within 62 days of submission and a decision must be made 62 days after the hearing
- ◎ County review may be necessary

Take-Away # 2

Don't be afraid to ask developers to provide you with all the information that is required in your Code. This will make your decision making process easier and is fair to everyone.

Subdivision of Land

What is it/why do it?

Division of any parcel of land into a number of lots for the purpose of sale, transfer of ownership or development (NYS Town Law, Section 276).

Intent is to create thoughtful, well balanced development of land that has a favorable impact on a community or neighborhood.

Ensure adequate services (roads, water, sewer or septic, power, etc.) can be provided.

Subdivision Review Elements

Subdivision elements vary by municipality; often include locations and specifications for:

- Lots
- Streets, roads, sidewalks, curbs
- Sanitary sewers, storm drains, water mains
- Street lighting and signs
- Trees and landscaping
- Utility lines and easements
- Topography
- Soil conditions
- Wetlands
- Land set aside for parks or playgrounds, or money in lieu

Subdivision Review Process

Often divided into Minor and Major subdivisions – decided locally (fewer regulations for minor)

Can include a preliminary and final approval process

Public Hearing and SEQR review are required

Can be approved, conditionally approved, or disapproved

If no action taken in certain time periods, approved by default

Department of Health regulates subdivisions that consist of 5 or more lots, 5 acres or less in size, created within a 3 year time period

Subdivision Review Comments

- ◉ Soil conditions
- ◉ Wetland proximity
- ◉ Well to septic separation distance
- ◉ Road access for emergency services
- ◉ Lot size – length vs width (6:1 ratio)
- ◉ Favorable impact?

Conditions of Approval

- ◉ 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 protect the community from adverse impacts

Limitations to Conditions

- ◉ They must be rational, reasonable, and related to the project in question
- ◉ They must relate to the “use and not the user” and cannot regulate “details of the operation.”

Comprehensive Plans

- ◉ Document that guides how a community wants to develop
- ◉ Planning Board analyses existing and proposes future land uses (location and intensity)
- ◉ CIRCULAR RELATIONSHIP -- Plan establishes community objectives -- Zoning laws achieve the objectives – local decisions are based on regulations specified in the zoning laws

SEQR

- ◎ SEQR stands for: State Environmental Quality Review Act
- ◎ SEQR applies to any Action taken by the Planning Board that may affect the environment
- ◎ Environment includes: natural resources, noise, visual aesthetics and community character, etc.

SEQR

- ◎ The Planning Board classifies the action into one of three categories: Type 1, Type 2 or unlisted
- ◎ If there is no significant negative impact then a Negative Declaration is made.
- ◎ If there is a detrimental impact then a Positive Declaration is made and an Environmental Impact Statement is required.
- ◎ <http://www.dec.ny.gov/permits/357.html>

The County Referral Process

GML Section 239m/n:

If a county planning agency or regional planning council exists, application materials must be referred **before** taking final action on the proposal.

What is Referred

GML Section 239m 3(a):

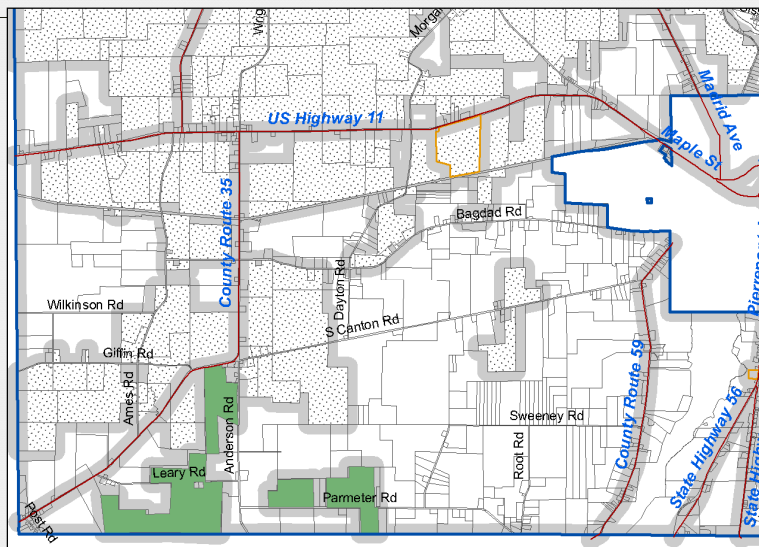
- (i) adoption or amendment of a comprehensive plan;
- (ii) adoption or amendment of a zoning ordinance or local law;
- (iii) issuance of special use permits;
- (iv) approval of site plans;
- (v) granting of use or area variances;
- (vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Features that Trigger Referral

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

Project Referral Maps



Take-Away # 3

If you are not sure if a project needs to be referred to the County call us. We are here to help! 315-379-2292

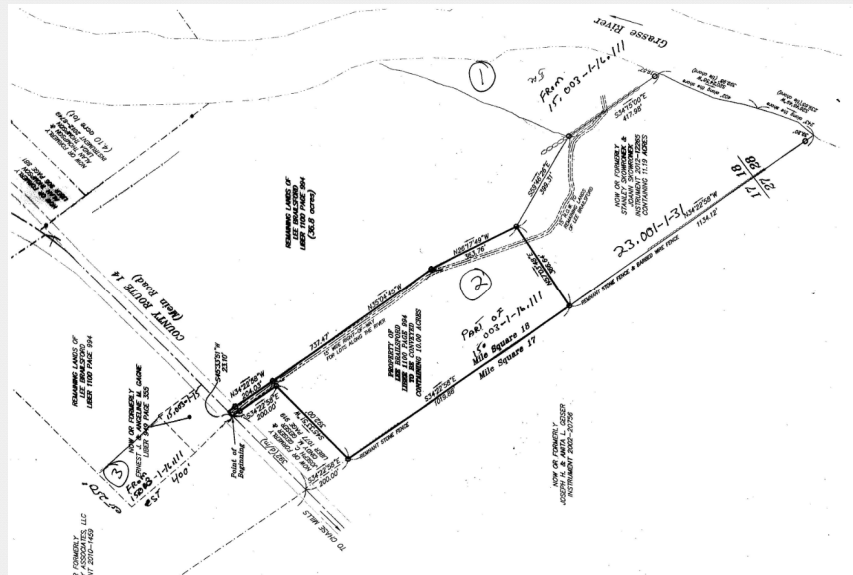
Training Requirements

- ◉ Four hours per year are required
- ◉ Alternates need to be trained as well
- ◉ County offers two 2-hour sessions per year
- ◉ On-line training is available

Additional Training Resources

- County Training Session, Thursday, November 21, 2019, 6:30 p.m. Canton, Public Safety Complex
- Local Government Conference, Tuesday, October 13, 2020, SUNY Potsdam
- <http://www.dos.ny.gov/lg/lut/index.html>
- County Planning Office, 315-379-2292
- <https://maps.dancgis.org/ima/>

Subdivision Case Study



Subdivision Case Study

- ◉ Proposed 3 lot subdivision
- ◉ Local code requires 50 foot right-of-way
- ◉ Located on a County Route

What action would your Board take?

Subdivision Case Study



Site Plan Case Study

- ⦿ Applicant proposes to construct a 16,000 sq. ft. 3 story, 82 room hotel
- ⦿ The hotel is located in a C-2 zone and is permitted after site plan review
- ⦿ All fees have been paid and the application is complete and ready for review at your next meeting

Site Plan Case Study

Site considerations may include:

- ⦿ Landscaping and buffering
- ⦿ Vehicle and pedestrian access and circulation
- ⦿ Snow storage
- ⦿ Parking
- ⦿ Lighting
- ⦿ Signage

