

Welcome
to the Spring 2022 Training
Session for St. Lawrence
County Municipal
Planning Boards and
Zoning Boards of Appeal

Agenda

- 6:00 – 6:05 Introductions and Overview of Agenda***
- 6:05 – 6:30 The ZBA and the Variance process***
- 6:30 – 6:45 Variance review best practices***
- 6:45 – 7:05 Solar Array Development Background and
Local land use control***
- 7:05 – 7:25 Solar development review best practices***
- 7:25 – 7:30 Wrap-up and Additional Training Resources***

Zoning Board of Appeals (ZBA) Overview

- ZBA is appointed by the municipality and is made up of 3 or 5 members
- If a standard zoning code has been adopted, a ZBA must be established
- The ZBA decides on use and area variances and offers interpretations (municipal boards can't retain this power)

ZBA Overview

- Applicant seeking an exception from the rule:
 - Establish a use that isn't allowed (use variance)
 - A reduction in a dimensional requirement (area variance)
- Variance provides relief from strict application of the law

ZBA Overview

- Can also conduct interpretations if an applicant and CEO disagree on understanding of definition or regulation
- The ZBA cannot review Planning Board decisions!
- The Municipal Board cannot overrule the ZBA!

Use Variances

Applicant 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

Area Variances

Examine balance of interest through five considerations:

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

Variance Best Practices

- Variances run with the land (not the current land owner) so keep good records
- Conditions can always be attached to variances
- Be willing to push for the information for legal tests
- Area variances -- 5 feet not a big deal? 40 feet a big deal? Be consistent

Attaching Conditions

- Conditions can be attached to ensure that the “minimum relief necessary” is granted
- Conditions can include allowance for a certain period of time – e.g., until the business closes permanently etc.
- Conditions must be specific to the property and to benefit the neighborhood

Variance Best Practices

Use variance tests - must show hardship

1. No reasonable return on the property

This: evidence that the property has no value as a use that is permitted (dollars)

Not this: "I need to do this to make money"

2. Hardship is unique

This: Unique to the property (building size, location, proximity)

Not this: "I have a unique business plan"

Variance Best Practices

Use Variance tests:

3. Essential Character

This: Look at traffic impacts and aesthetics

Not this: "I will make it look nice, and the neighbors are fine with it"

4. Not Self-created

This: A change occurred since applicant acquired the property

Not this: "I didn't know it was not permitted"

Variance Best Practices

Area variance balance of interest tests

1. Undesirable change in neighborhood

This: structure moved closer to road will not impact neighbors view

Not this: 10 foot high fence in side yard that will obstruct intersection

2. Can an alternative be achieved

This: move the garage around the house

Not this: "this spot is easiest"

Variance Best Practices

Area variance balance of interest tests

3. Is it substantial

This: sign needs a 10% size increase

Not this: sign will triple in size

4. Negative impact on the environment

This: no physical impact off site

Not this: roof run-off degrades slope

5. Self-created – Should be considered but does not preclude approval

SLC Variance Examples

Area

- Business use setback relief from residential use, Stewart's Shop (Potsdam V)
 - Resulted in code change
- Change parking space size from 10' to 9' (Ogdensburg)
- Construction of a building and pavement closer to front lot lines (Massena V)
- Change side setback from 15' to 3' (Morristown)
- Subdivisions*

Use

- Add 3rd apartment to 2 unit structure (Massena V)
- Reopen the old Massena Metals location as a metal yard (Massena V)
- Construction of various small structures on an undersized lot (Waddington V)

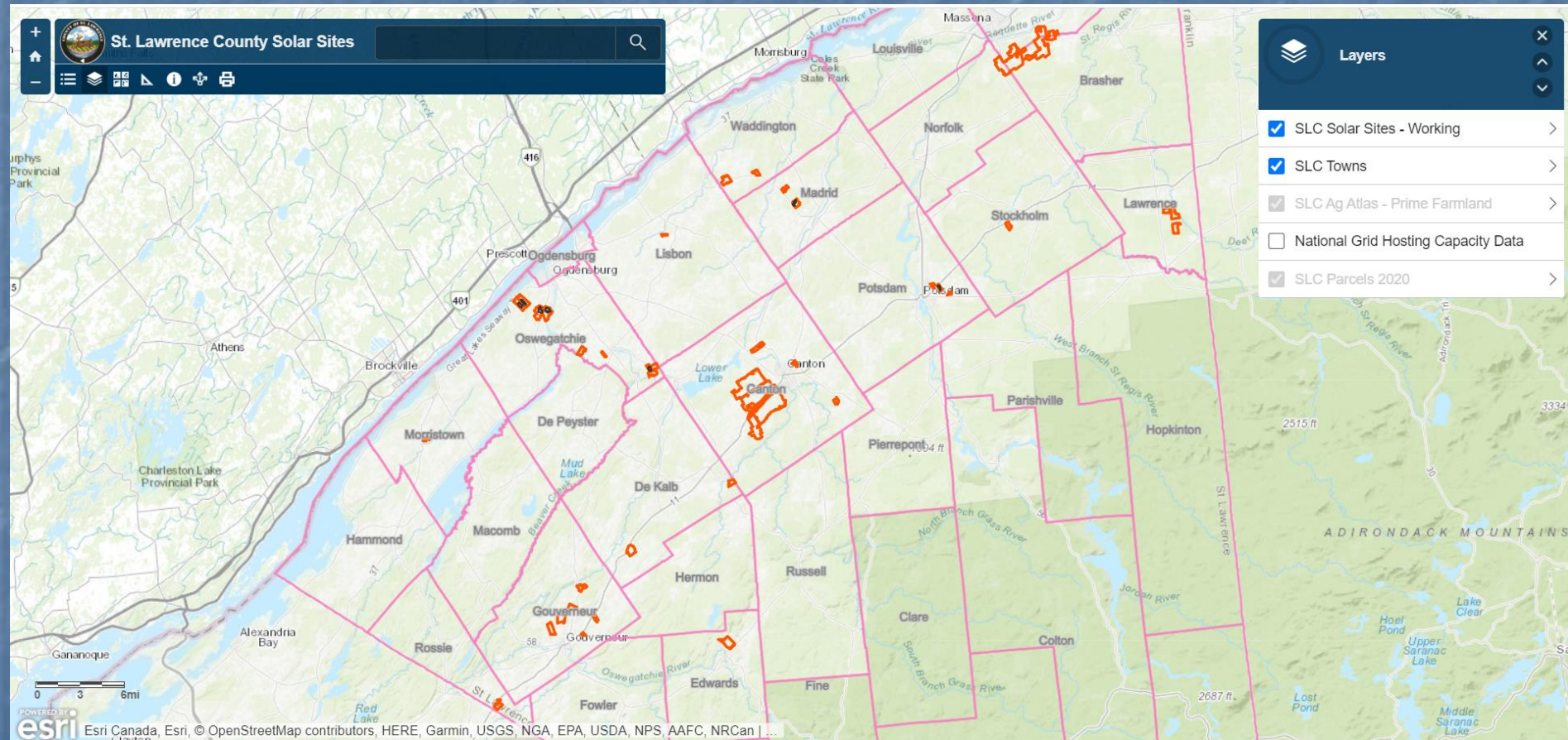
Solar Array Development Background

- Solar array influx a result of State directive under the CLCPA (Climate Leadership and Community Protection Act)
- CES (Clean Energy Standard) -- 70% of NY's energy to come from renewables by 2030
- SLC land is comparatively inexpensive, plentiful, grid upgrades are taking place

Solar Array Development Background

- Local municipalities only have control over projects under 20 MW in size
- Municipalities can either regulate by local law or through zoning code
- Most projects are approximately 5 MW (5-7 acres per MW)
- Projects need other external supports (3-phase power, sub-station capacity)

Solar Array Development – Project locations in SLC



What Should Be In Municipal Solar Regulations

- Definitions (small and large systems)
- Specify development location (Zoning District)
- Clear and specific design standards
- Decommissioning plan
- Special use permit requirements

What Should Be In Municipal Solar Regulations

- Agricultural land protections – be specific, identify by soil type and/or prime farmland classification, cross check with DANC IMA
- Consider development limitation by prime farmland percentage
- Agrivoltaics – sheep/goat/pollinator options, discuss up front

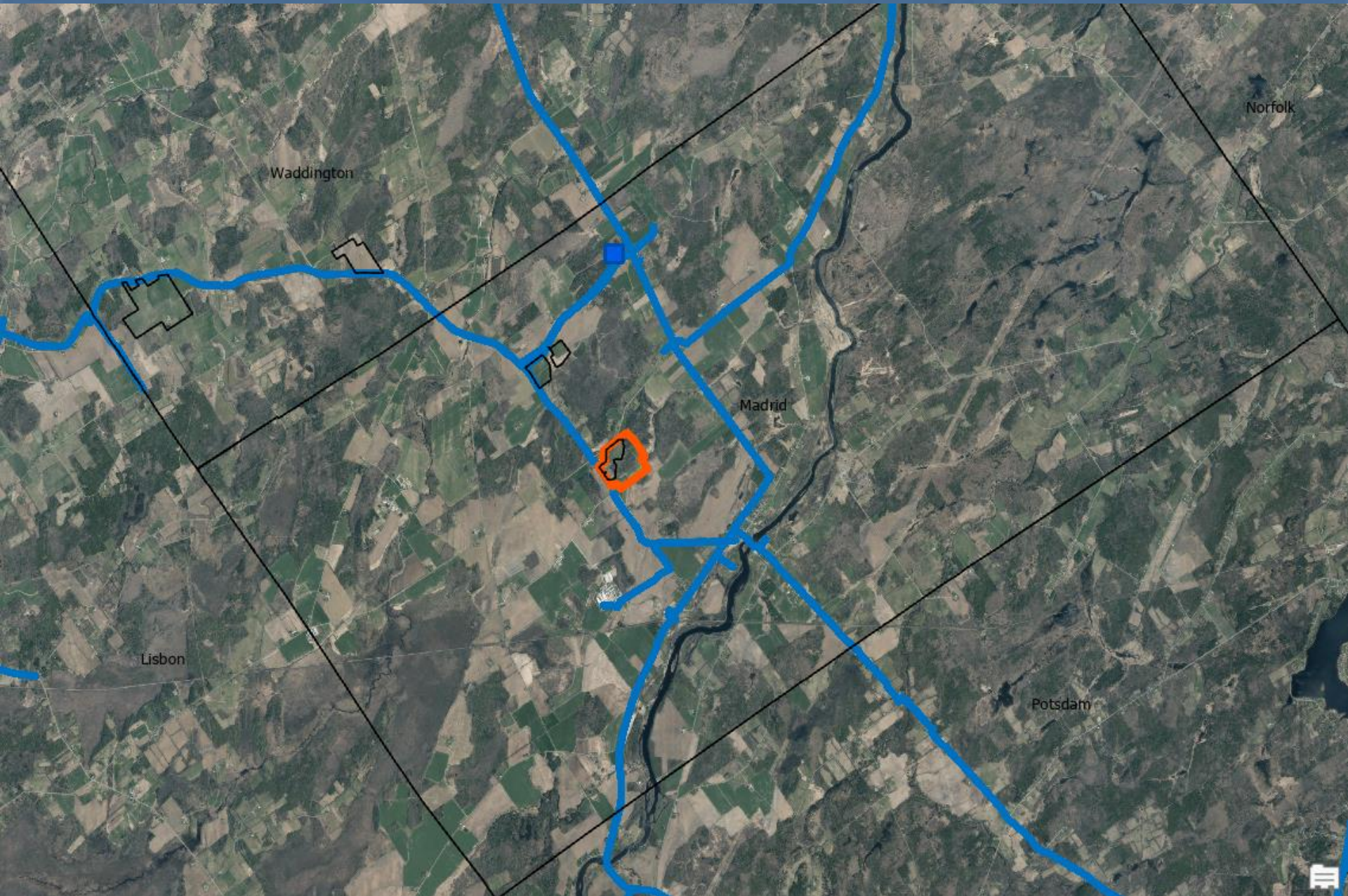
What Should Be In Municipal Solar Regulations

- Property Operation and Maintenance Plan
- Host Community Benefit Agreement
- Power Purchase Agreements
- PILOT (payment in lieu of taxes)

Solar Development Review

Best Practices

- Encourage solar developers to talk with you at the earliest possible stage, before a site is selected (consult with County Planning)
- Interconnect; is the developer in the queue?
- Specify areas in your community that are preferred and off-limits (industrial, residential, prime ag. etc.)
- Multiple approvals may be needed: special use permit, site plan, area variance



Waddington

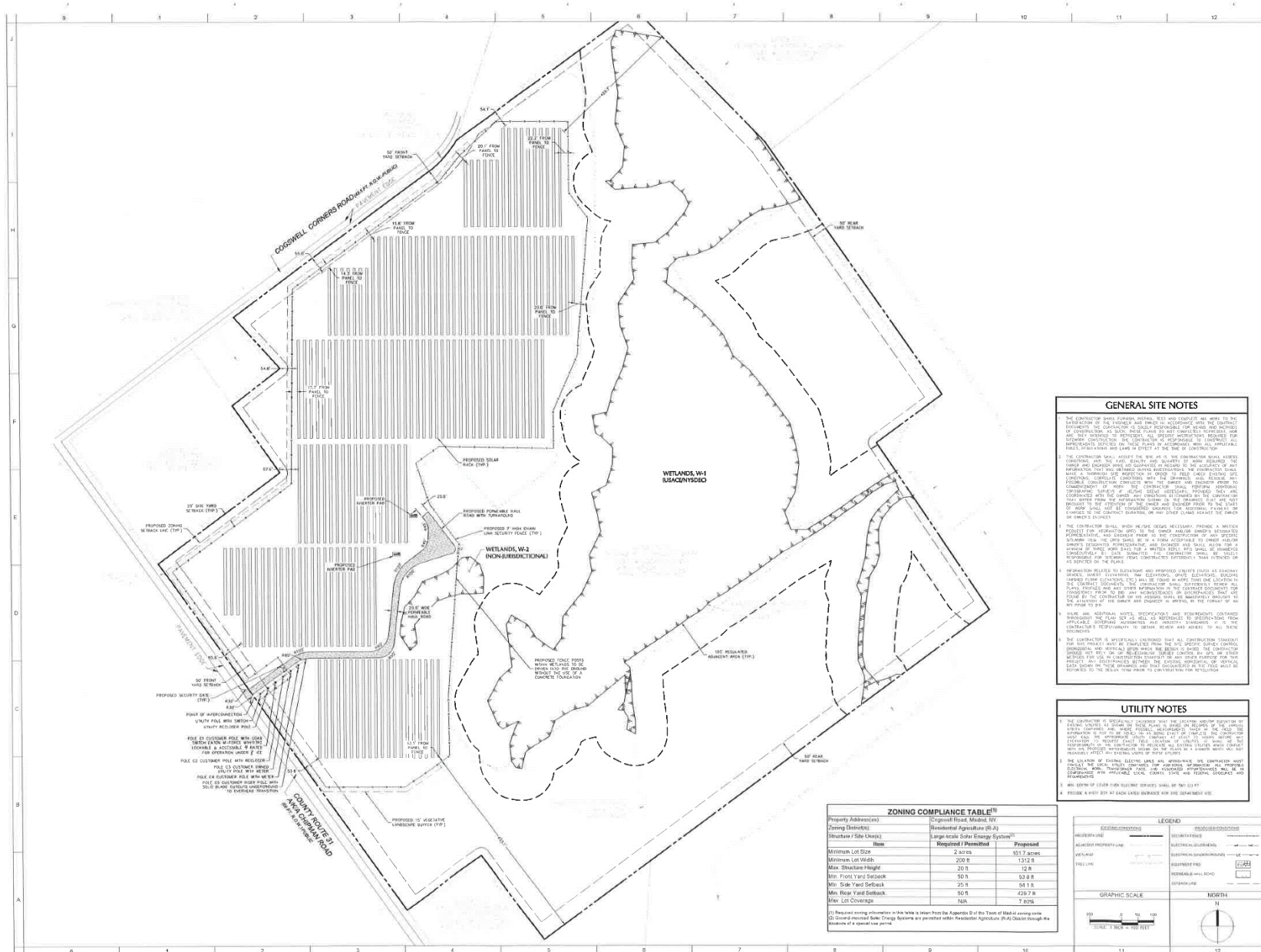
Norfolk

Madrid

Lisbon

Potsdam





GENERAL SITE NOTES

1. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES AND SHALL MAINTAIN A RECORD OF ALL UTILITY LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ALL UTILITY CROSSINGS AND SHALL MAINTAIN ALL UTILITY LINES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ALL UTILITY CROSSINGS AND SHALL MAINTAIN ALL UTILITY LINES AT ALL TIMES.
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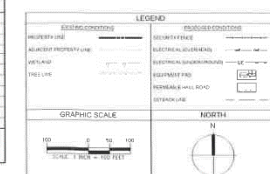
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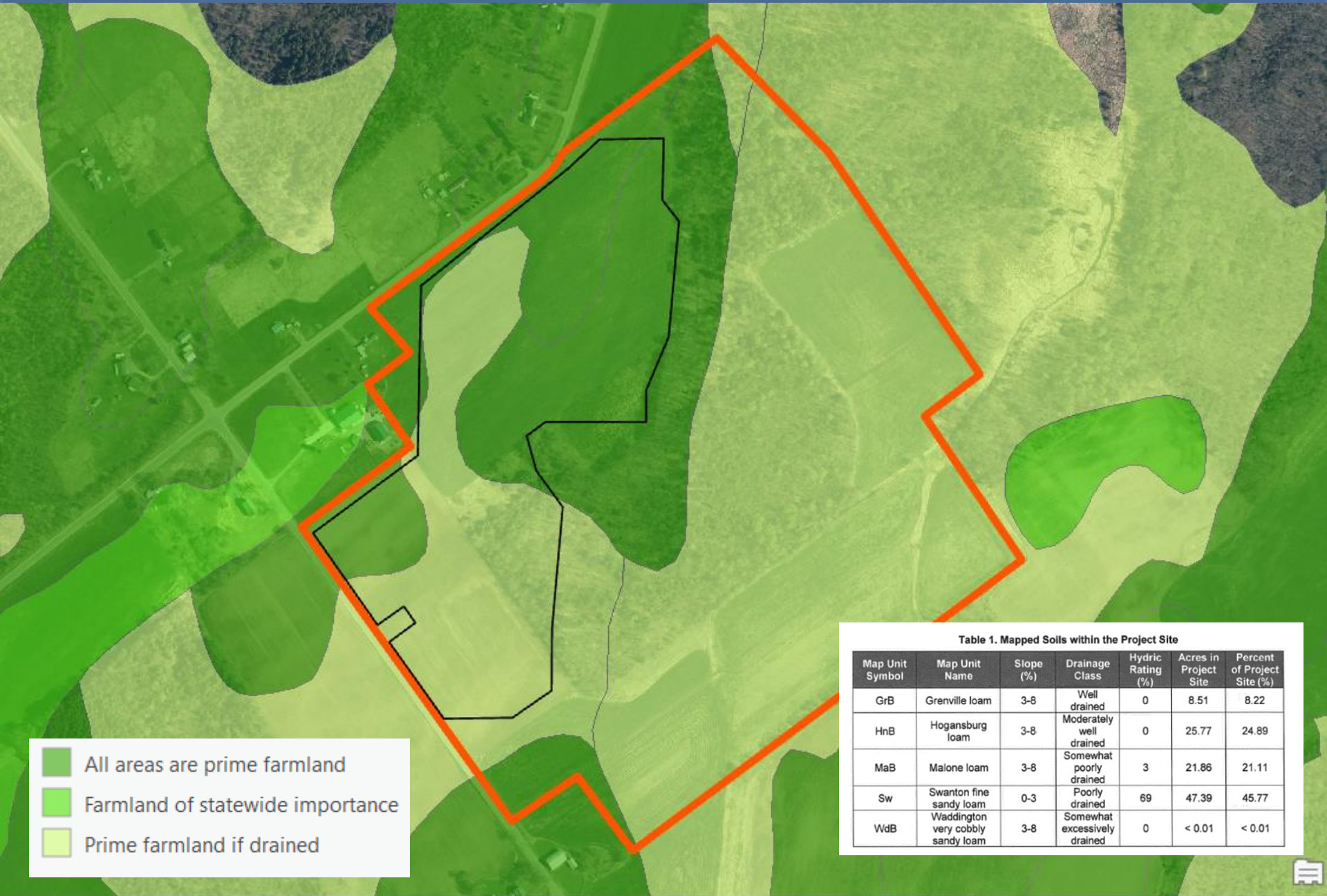
ZONING COMPLIANCE TABLE⁽¹⁾

Property Address(es)	Zoning District	Minimum Lot Size	Minimum Lot Width	Max. Structure Height	Min. Front Yard Setback	Min. Side Yard Setback	Max. Rear Yard Setback	Max. Lot Coverage
	Residential Agriculture (RA)	2 acres	50' 17' 6"	35' 0"	50' 0"	50' 0"	50' 0"	7.0%
	Large-scale Solar Energy System ⁽²⁾		1312' 8"	12' 8"	50' 0"	50' 0"	50' 0"	7.0%

(1) Required zoning information in this table is taken from the Appendix D of the Town of Modesto zoning code.
 (2) General-moored Solar Energy System as permitted under Residential Agriculture (RA) District through the issuance of a special use permit.





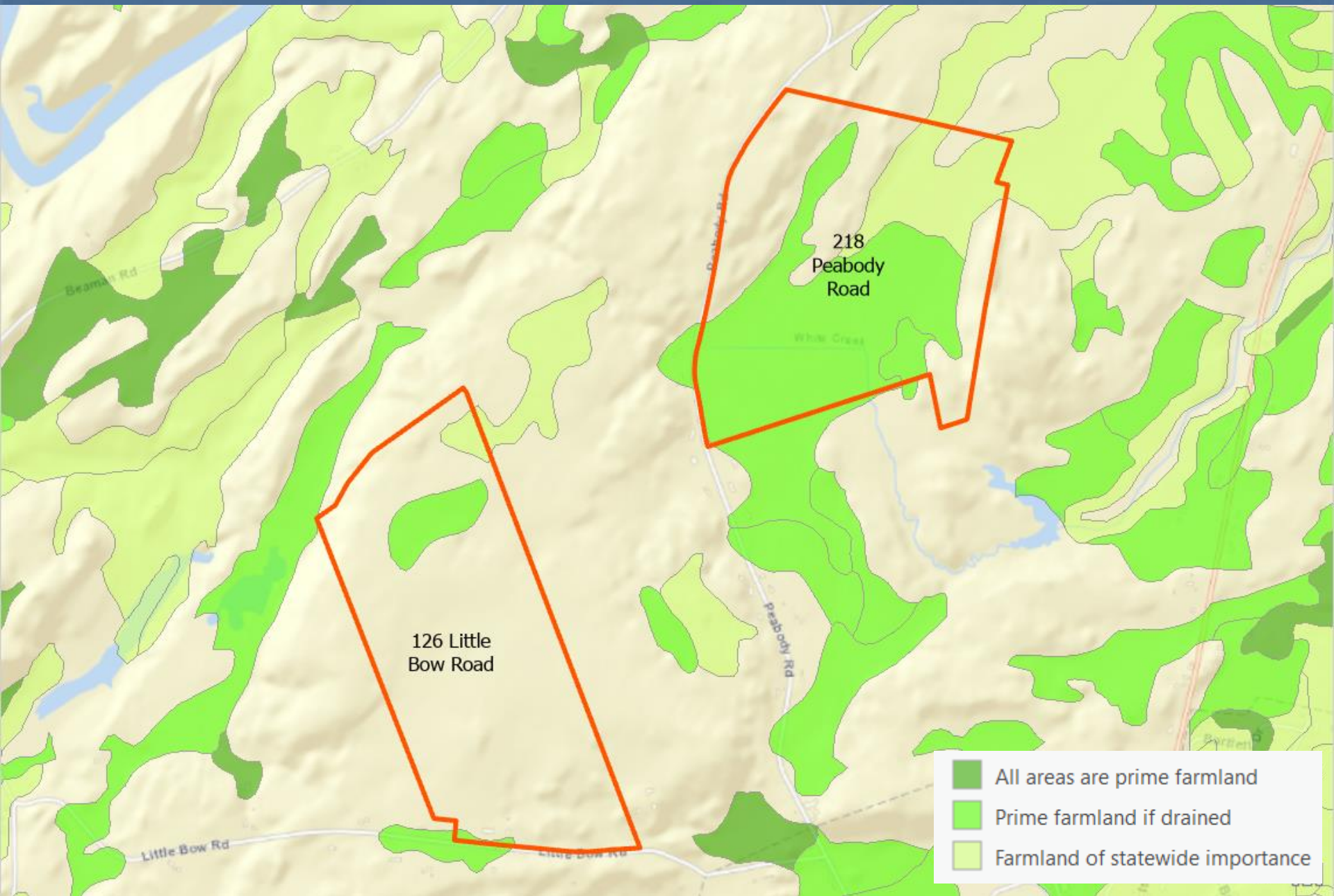


- All areas are prime farmland
- Farmland of statewide importance
- Prime farmland if drained

Table 1. Mapped Soils within the Project Site

Map Unit Symbol	Map Unit Name	Slope (%)	Drainage Class	Hydric Rating (%)	Acres in Project Site	Percent of Project Site (%)
GrB	Grenville loam	3-8	Well drained	0	8.51	8.22
HnB	Hogansburg loam	3-8	Moderately well drained	0	25.77	24.89
MaB	Malone loam	3-8	Somewhat poorly drained	3	21.86	21.11
Sw	Swanton fine sandy loam	0-3	Poorly drained	69	47.39	45.77
WdB	Waddington very cobbly sandy loam	3-8	Somewhat excessively drained	0	< 0.01	< 0.01

Article VI Site Plan Review			
Feature	Required	Provided	Comment
Section 28 - Planning Board Review and Decision			
Section 30 - Preliminary Application Requirements A. Application B. Required Documents (1-8)	Steps 1-8	Yes to all	
Section 31 - Final Application B. Final Application Requirements (1-3)	Steps 1-3	No	Submit estimated project construction schedule (16-20 weeks, then 2-3 weeks of commissioning)
Section 32 - Site Plan Review Standards A. General Standards B. Specific Standards (1-15)	Compatibility of development, Corner Lot, Flooding, Landscaping, Buffers, Traffic, Dark-Sky Lighting, SWPPP	Yes to all ~3 acres of tree clearing 15' vegetative (native) buffer is proposed Inverters: 500' buffer	Contact County Highway Dept to coordinate curb cut (noted in site plan) Applicant is following a Pollinator Protection Plan (NYS adopted 2016) Applicant plans to mow (contract with small scale grazing operation)





Other Training Resources

- Tug Hill Commission Planning for Offsite Solar Energy Projects: <https://tughill.org/wp-content/uploads/2021/02/PLANNI1.pdf>
- Ecode360 Code Library: www.generalcode.com/library/
- DANC IMA: <https://maps.dancgis.org/ima/>
- NYS Dept of State Local Government Services and Support: <https://dos.ny.gov/services-and-support>
- NYS Dept of State Local Government Training Schedule Spring 2022: https://dos.ny.gov/events?f%5B0%5D=filter_term%3A2716
- SLC Planning Project Referral: <https://www.stlawco.org/Departments/Planning/ProjectReferralMaps>
- SLC Planning Resources: <https://www.stlawco.org/Departments/Planning/PlanningResources>

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