

I've Been Appointed to the Planning Board / Zoning Board of Appeals

Now What Do I Do?

**St. Lawrence County
Spring 2015
Land Use Training Session**

Overview of Agenda

6:35 – 7:00	The Role & Responsibilities of the ZBA Interpretations, Use Variances & Area Variances
7:00 – 7:25	The Role & Responsibilities of the Planning Board Site Plans, SUPs & Comprehensive Planning
7:25 – 7:35	Introduction to case studies
7:35 – 7:40	Break
7:40 – 8:00	Group discussions
8:00 – 8:25	Group reports
8:25 – 8:30	Wrap-up and additional training resources

Roles of Three Boards

- **Municipal:**

- Legislate & create policy

- **Planning Board & CEO:**

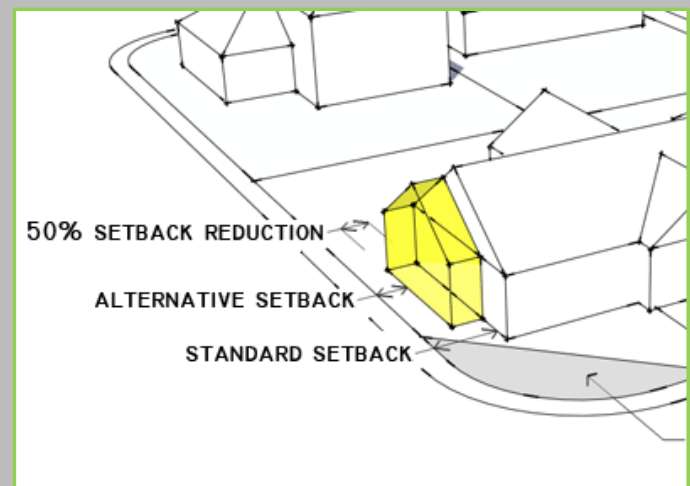
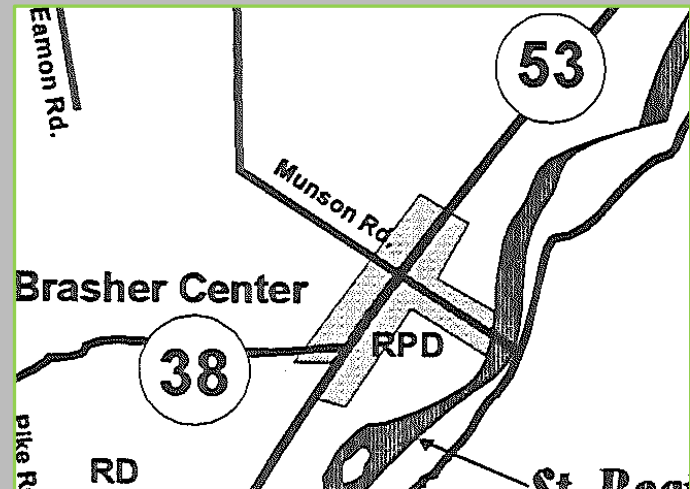
- Administer the law

- **Zoning Board:**

- Grant relief from law upon request

ZBA Jurisdiction

- Interpret zoning text & map
- Grant variances from regulations



ZBA Membership

- Five members, can be reduced to three
- Alternate members
- Appointed by municipal board or chief elected official
- Cannot be municipal official

Meetings & Qualifications

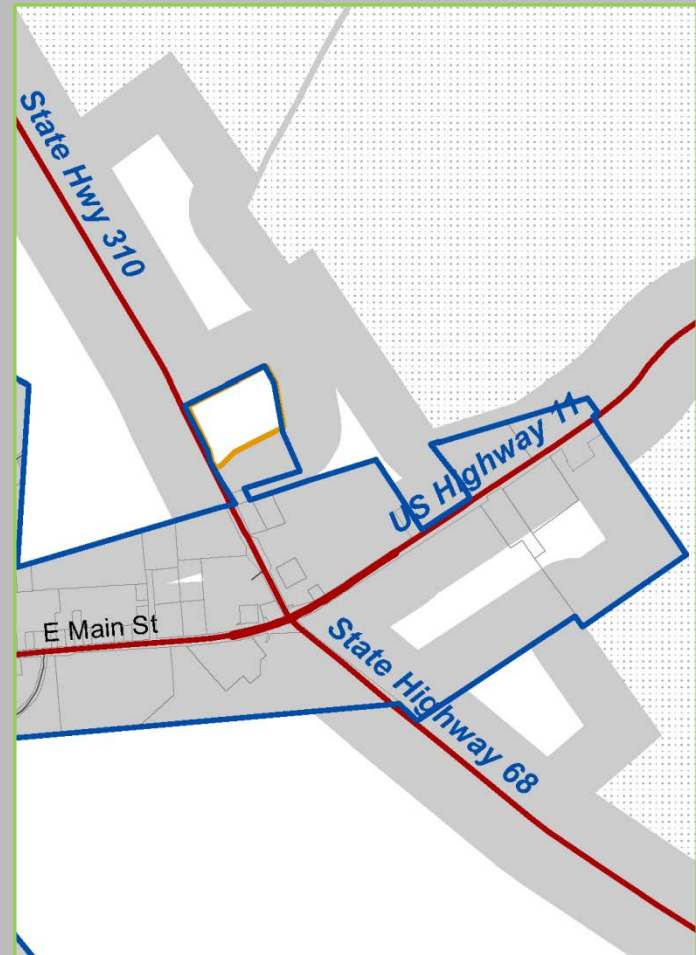
- Four hours of land use training
- Meeting schedule
- Removal due to attendance or insufficient training

Appeals Process

- Filed by applicant, neighbor or local official
- Review within 60 days of filing
- Conduct public hearing
 - Five days legal notice

Project Referrals

- 500 Feet of:
 - County/State Rd or ROW
 - Municipal boundary
 - County/State land with public facility
 - Farm operation in an Ag District



County Planning Board

- Examine if project presents inter-municipal or countywide significance
 - Return for Local Action
 - Held for Full Review

Final Action

- ◉ Decision within 62 days of hearing
- ◉ Reverse, affirm or modify original decision
 - Grant minimum relief necessary
- ◉ Supermajority vote

Following Decision

- Default denial
- Rehearing
 - Must be unanimous decision of members present
 - Original decision may be reversed, modified or annulled upon unanimous vote by members present

Interpretations

- ◉ Disagreement with CEO's interpretation
- ◉ Review municipal zoning regulations
- ◉ Determine original intent when law enacted
- ◉ Example:
 - Accessory dwelling unit in R-1 zone
 - Must principle dwelling be owner-occupied?

Use Variances

- Allowing a use that is otherwise not permitted
- Four Legal Tests:
 1. Cannot yield reasonable return on property
 2. Hardship unique to the property
 3. Will not alter character of neighborhood
 4. Hardship not self-created

Area Variances

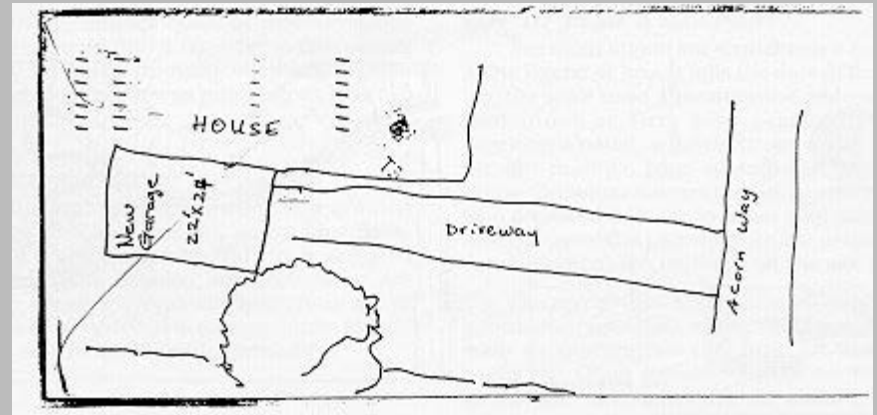
- Seek dimensional relief
- Five considerations:
 - Create undesirable change in neighborhood character, or detriment to nearby properties?
 - Feasible alternative to the variance?
 - Variance substantial?
 - Adversely impact the environment?
 - Difficulty self-created?

Findings for Decision

- Substantiate reasons for granting or denying relief
- Answer each and every criteria before rendering decision
- Include as part of project record

Planning Board Jurisdiction

- Site Plan Review
- Special Use Permits
- Comprehensive Planning



Town and Village of Hammond, NY Joint Comprehensive Plan



November 16, 2012 Draft

Planning Board Membership

- Five or seven members
- Alternate members
- Appointed by municipal board or chief elected official
- Cannot be municipal official

Meetings & Qualifications

- Four hours of land use training
- Meeting schedule
- Removal due to attendance or insufficient training

Site Plan Review

- Site Plan Defined:

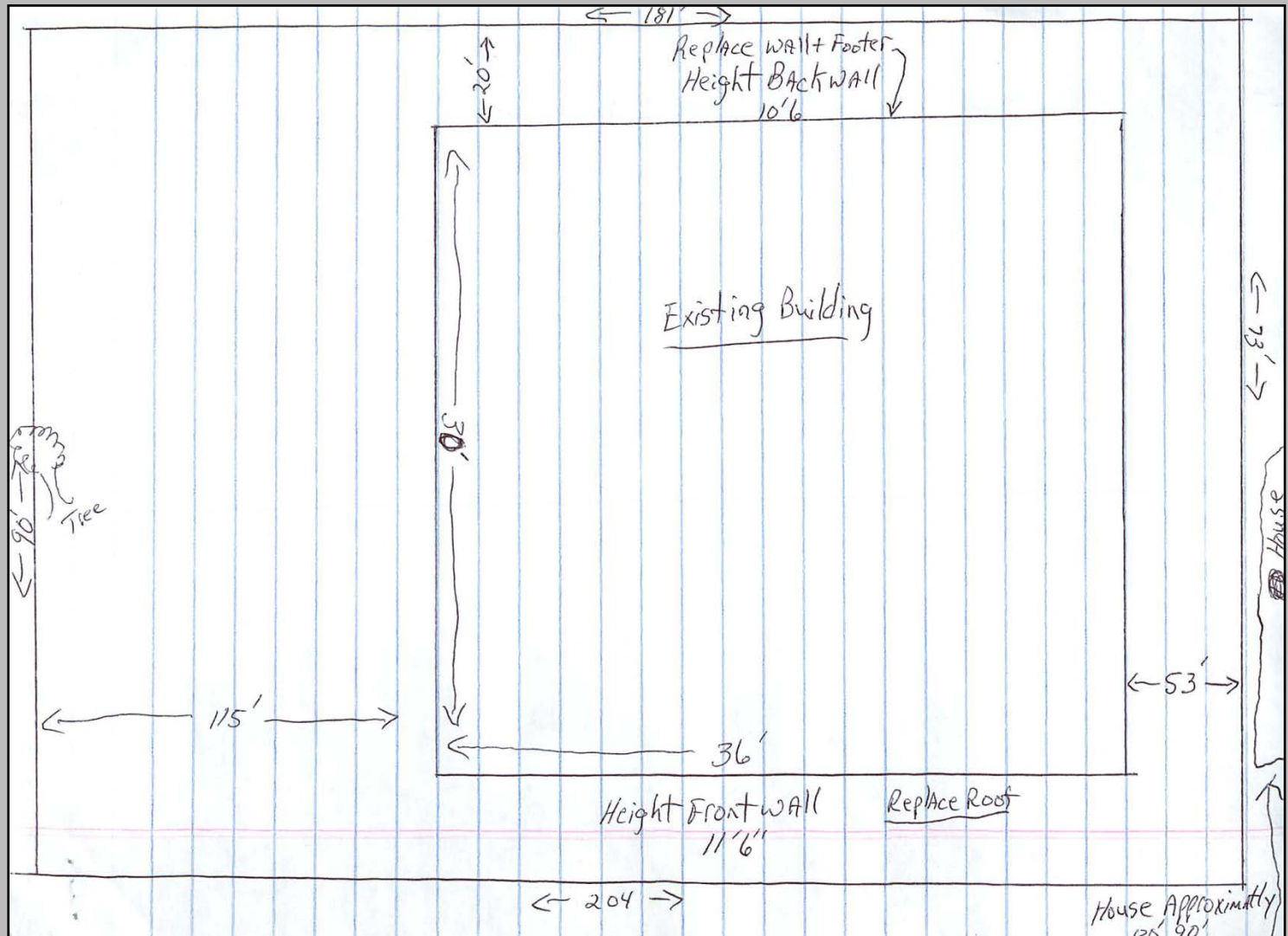
“A drawing, prepared in accordance with local specifications, that shows the "arrangement, layout and design of the proposed use of a single parcel of land.”

Site Plan Review

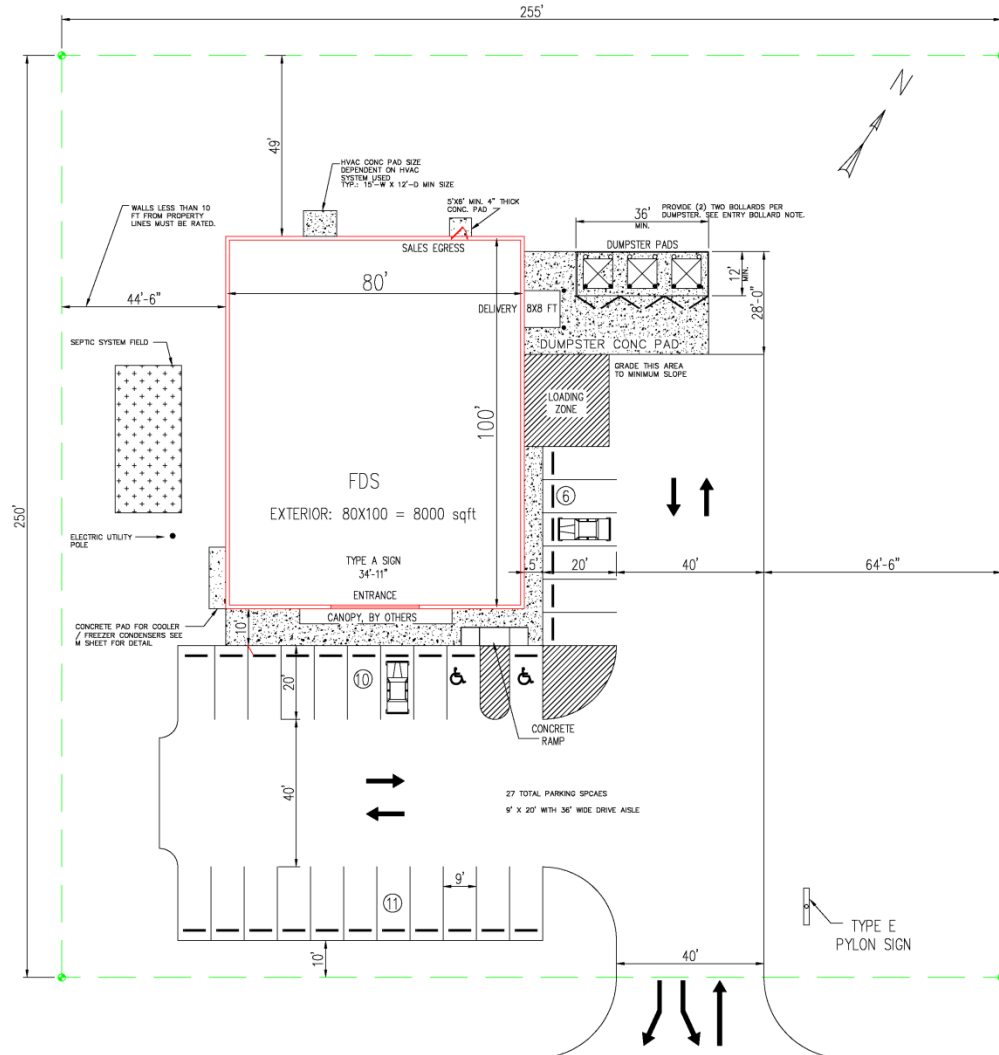
- Board deliberates the merits of a project based on review considerations in Code
- Considerations may include:

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

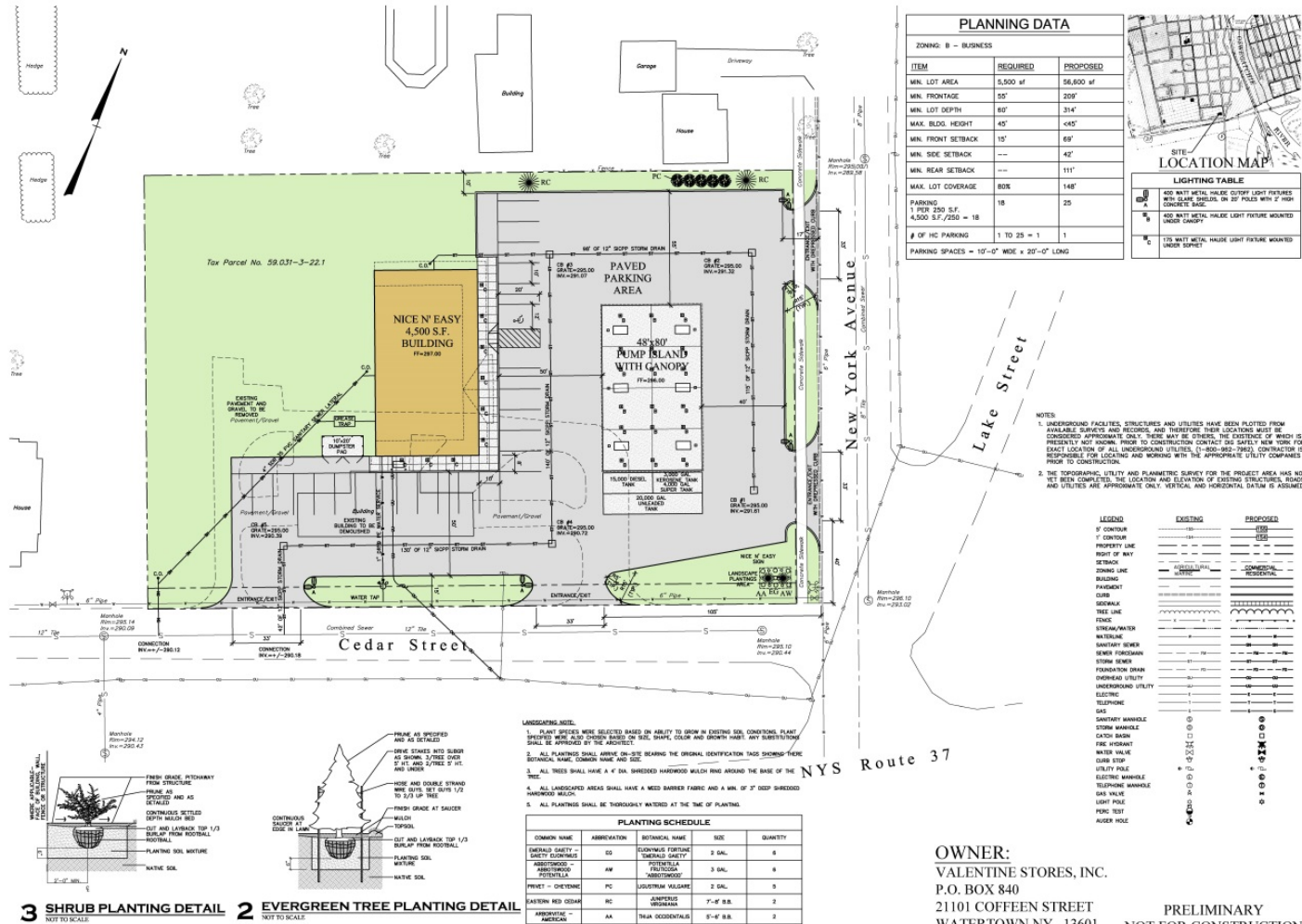
Site Plan Review



Site Plan Review



Site Plan Review



OWNER:
VALENTINE STORES, INC.
P.O. BOX 840
21101 COFFEEN STREET
WATERTOWN NY, 13601

PRELIMINARY
NOT FOR CONSTRUCTION



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NICE N' EASY

1117 NEW YORK AVENUE

TAX PARCEL 59 031-3-22-1

INTERSECTION OF CEDAR STREET & NEW YORK AVENUE

CITY OF ODGENSBURG, ST. LAWRENCE COUNTY, NEW YORK

PROJECT NO.	0910140
DATE	08/14/14
DESIGNED BY	AKW
DRAWN BY	AKW

PRELIMINARY
SITE PLAN

C1

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 62 days after the hearing
- County review may be necessary

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

ZBA Case Study

- Applicant proposes to expand a legal non-conforming senior housing facility by adding 16 new 2 bedroom units
- An area variance for an 8' fence, a rear lot reduction from 25' to 15' and a parking space reduction from 32 to 16 spaces is required.

ZBA Case Study



INTERNET MAPPING APPLICATION

Baldwin Acres Expansion



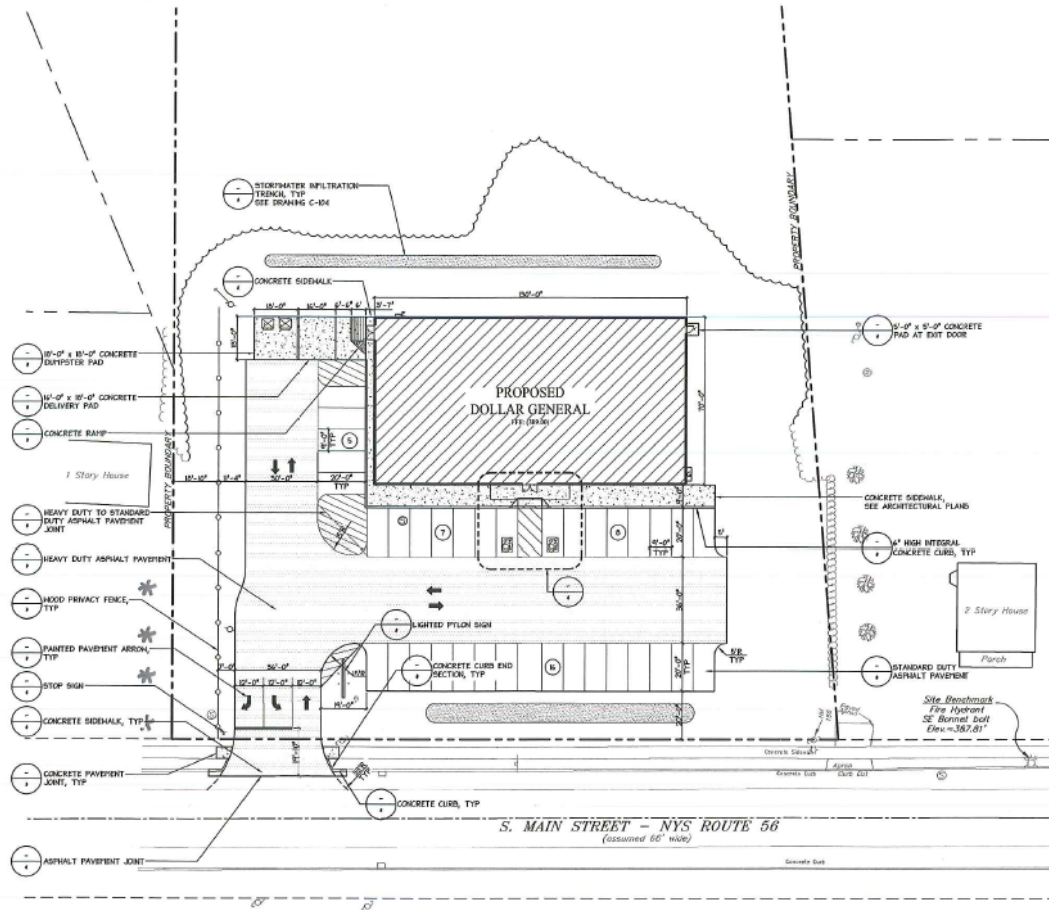
Planning Board Case Study

- Applicant proposes to build a discount retail store adjacent to a residential zone
- Site plan review required with standards for landscaping, access, lighting and buffering

Planning Board Case Study



Planning Board Case Study



ZONING SCHEDULE		
ZONING: COMMERCIAL CENTER (CC)	REQUIRED	PROVIDED
MIN. LOT SIZE	NONE	81,607 SF
MIN. LOT WIDTH	NONE	202'-0"
MIN. LOT DEPTH	NONE	240'-0"
MAX. LOT COVERAGE	NONE	15 (BLDG.)
SETBACKS:		
FRONT	NONE	E. 100'-0"
SIDE	NONE	S. 64'-0"
REAR	NONE	W. 567'-0"
BUILDING HEIGHT	NONE	20'-0" +/-

PARKING SUMMARY	
TOTAL REQUIRED	36
TOTAL PROVIDED	36
ADA SPACES REQUIRED	2
ADA SPACES PROVIDED	2
NO. OF ADA SPACES VAN ACCESSIBLE	



A LAYOUT AND IMPROVEMENT PLAN
SCALE: 1" = 20'-0"



Additional Training Resources

- ◉ **Local Government Conference, Tuesday, October 13, 2015, SUNY Potsdam**
- ◉ <http://www.dos.ny.gov/lg/lut/index.html>
- ◉ **County Planning Office, 379-2292**
- ◉ [http://www.co.st-lawrence.ny.us/Departments/Planning/Mapping Portal](http://www.co.st-lawrence.ny.us/Departments/Planning/MappingPortal)