



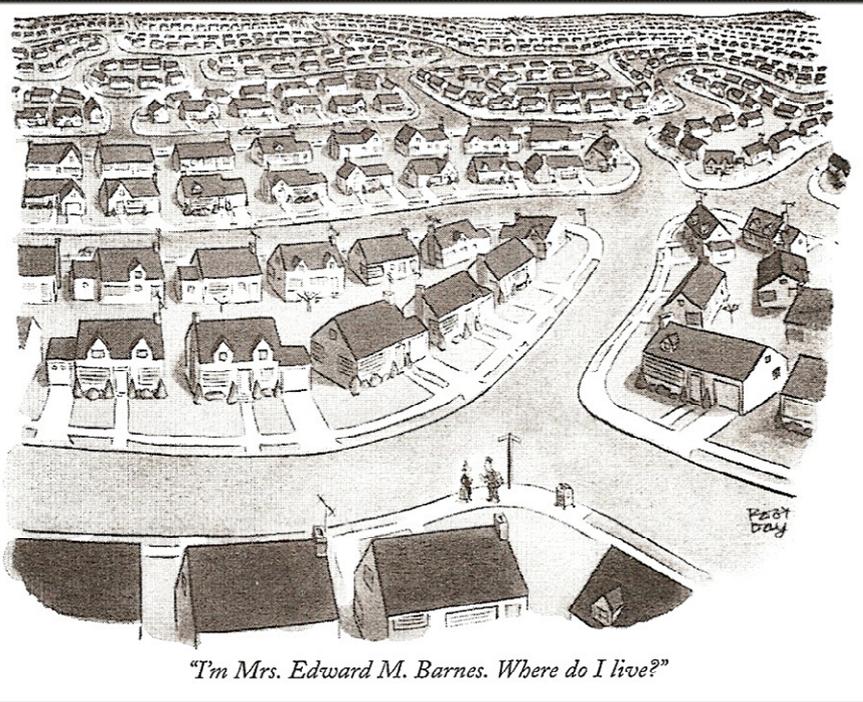
Site Plan Review and Approval

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What is a Site Plan?

- A drawing or sketch showing the layout and design for a single parcel of land
- Components of the Plan vary based on requirements of the municipalities' ordinance or local law

Site Plans vs. Subdivisions



- Site Plan Review
 - Improvements to one parcel of land
- Subdivision Review
 - Is a separate action from site plan approval
 - Involves dividing one parcel of land into smaller parcels
 - Is concerned with layout of newly created lots

Where do the Rules Come From?

- Local Land Use Regulations (Zoning Code)
 - Regulates how the property is used and the physical limits of that use
 - Maps where and how rules apply
 - Establishes land use regulations to provide reasonable certainty for what can happen on your neighbors property
- Adopted Policy Documents
 - Master Plan, LWRP, Natural Resources inventories
- Adopted Design Guidelines

Rules for Site Plan Review

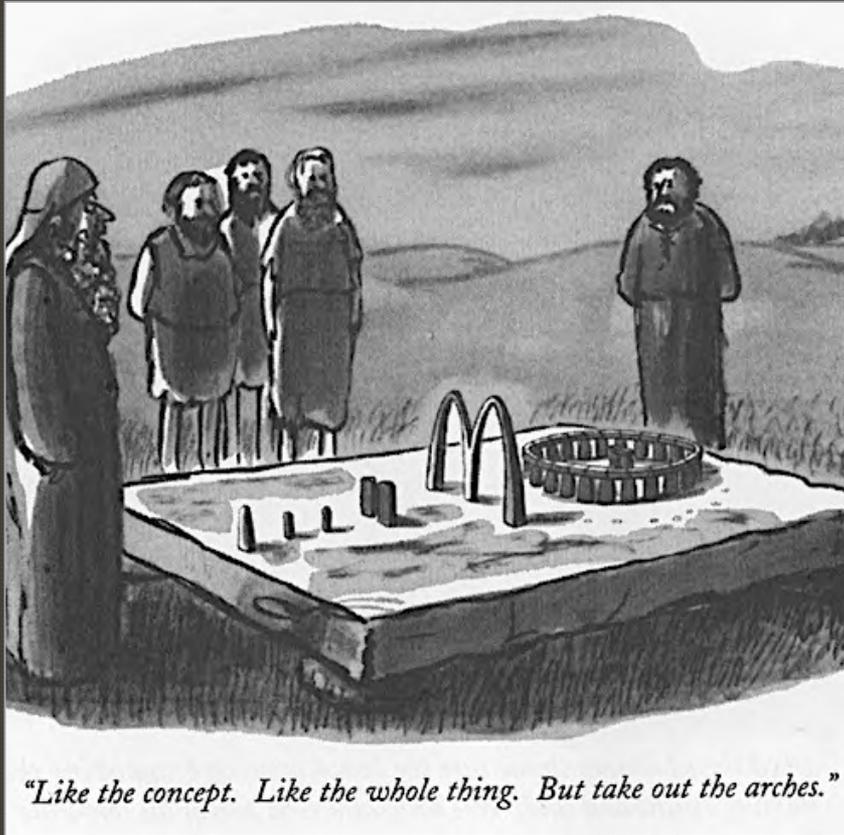
- Code/Ordinance includes:
 - A checklist of required elements (Reviewing Board may **waive** certain requirements)
 - A roadmap with specific review standards and criteria for meeting the standards
 - Good for the Applicant - Provides certainty and predictability to Applicants regarding components and process
 - Good for the Municipality - Promotes consistency and fairness in an objective decision making process

What is Site Plan Review?

- Required regulatory process for municipal approval of the layout and design of a development on a single parcel of land
- Discretionary review by a municipal board to approve applications on a case by case basis (*General City Law §27-a, Town Law §274-a and Village Law §7.725 -a*)
- Review of both the form and function of a single parcel of land



Why Conduct Site Plan Review?

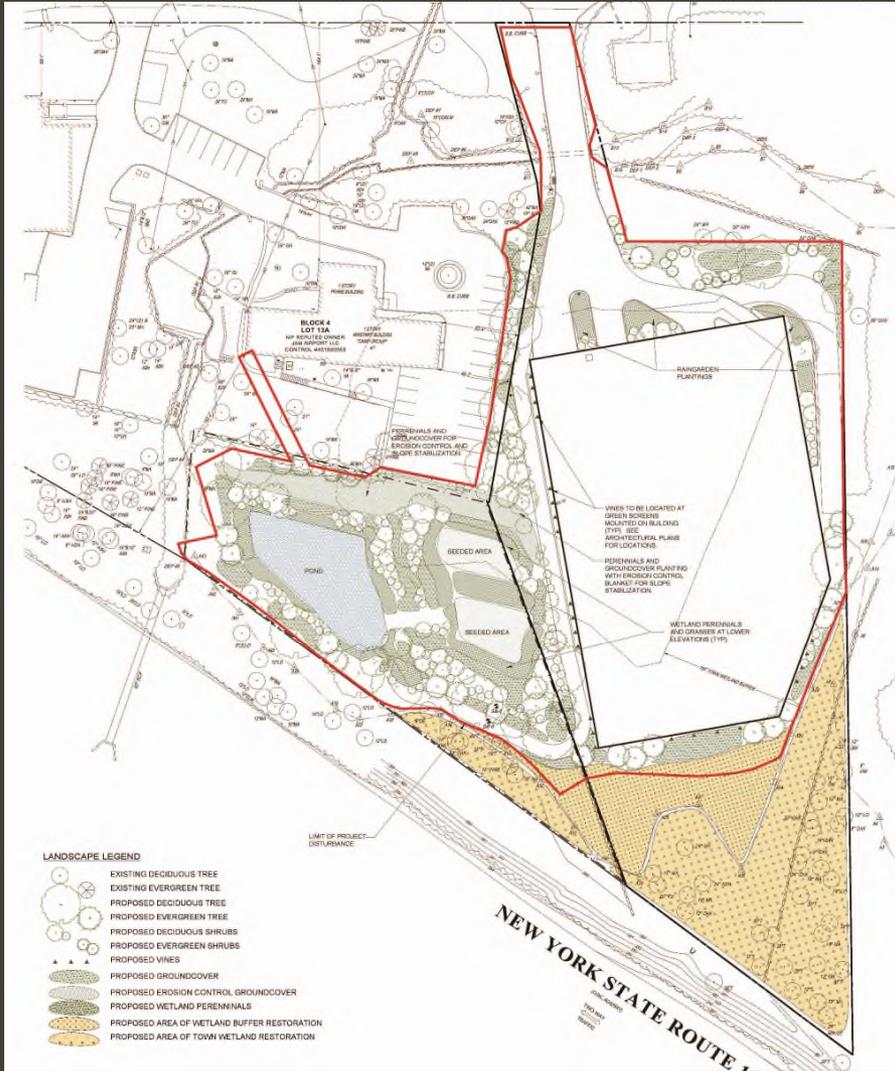


- To ensure compliance with zoning requirements
- To ensure that new development will reflect good site design
 - Building Location
 - Site Circulation
 - Stormwater Management
 - Landscaping
- To avoid and/or mitigate impacts on adjoining parcels and infrastructure
- To protect views, important resources or significant site features

Who Conducts Site Plan Review?

- The governing board (Town Board, Village Board of Trustees, City Council) may retain this authority, or may delegate this authority to:
 - The Planning Board
 - The ZBA (as “original” jurisdiction)
 - Another authorized board

What is Presented on a Site Plan?



- Location and dimension of buildings
- Parking
- Means of access/egress
- Landscaping and signage
- Architectural features
- Physical features meant to protect the uses (fences, walls, etc.)
- Grading and drainage/stormwater management infrastructure
- Additional elements as specified by governing board, the zoning ordinance and/or local laws

What Am I Looking For?

- Does the project meet minimum bulk and area requirements:
 - Minimum lot size/frontage/setback
 - Maximum footprint/lot coverage
- Does the project avoid significant natural resources?
 - If not, can changes in layout achieve that goal?
- How do the elements on the site relate to each other and to adjacent uses?
 - Pedestrian Flow/Connectivity
 - Landscaping and Site Features

What Am I Looking For?

- Is the layout consistent with Local/County adopted Policy Documents (Master Plan, Greenway guidelines, Open Space/Recreation and Farmland Plans/Waterfront)
- Is the project using best practices?
 - Stormwater Management
 - Pedestrian Accessibility
 - Refuse storage
 - Lighting/Landscaping

Waivers vs. Variances

- Waivers recognize that some information or processes are not necessary in all cases
 - e.g. - Landscaping plan, natural recharge calculations, etc.
- Variances offer relief from zoning when applied to a specific parcel under specific circumstances
 - e.g. - Setbacks do not meet zoning district dimensional requirements

Site Plan Review and Approval Process

- Sketch Plan Submittal
- Site Visit
- Formal Site Plan Submittal and SEQRA
- Reviewing Board determines that the Application is Complete
- Required Consultation and Referrals (County, other agencies/boards/committees, DEC, USFWS, NHP, SHPO)
- Public Hearing: Some code/ordinances do not require a public hearing, but the administrative body can still hold a hearing. (*General City Law §27-a(8), Town Law §274-a(8), Village Law §7-725a(8)*)
 - Public Hearing must be within 62 days after an application is made
- Site Plan Decision: Within 62 days after Public Hearing, or if no Hearing - then within 62 days after the application is made. (Times may be extended by mutual consent of the Applicant and the authorized board.)

Seeking Relief – Area Variances

- Does the project require an Area Variance?
 - When an element of proposed site plan does not meet zoning regulations (*General City Law §27-a(3), Town Law §274-a(3), Village Law §7-725a(3)*)
- Who reviews Area Variances?
 - Zoning Board of Appeals (not a Zoning/Code Enforcement Officer decision)
 - Even if the ZBA issues the area variance, this does not guarantee site plan approval
- What is the timing?
 - General Recommendation: Applicant goes to the ZBA before undertaking the Site Plan approval process
 - Other Option: Reviewing Board conditions Site Plan Approval upon the Applicant obtaining an area variance. This is not generally recommended as it requires the Applicant to go through the site plan approval process with non-conforming components – that may not get approved by the ZBA.

County Referral

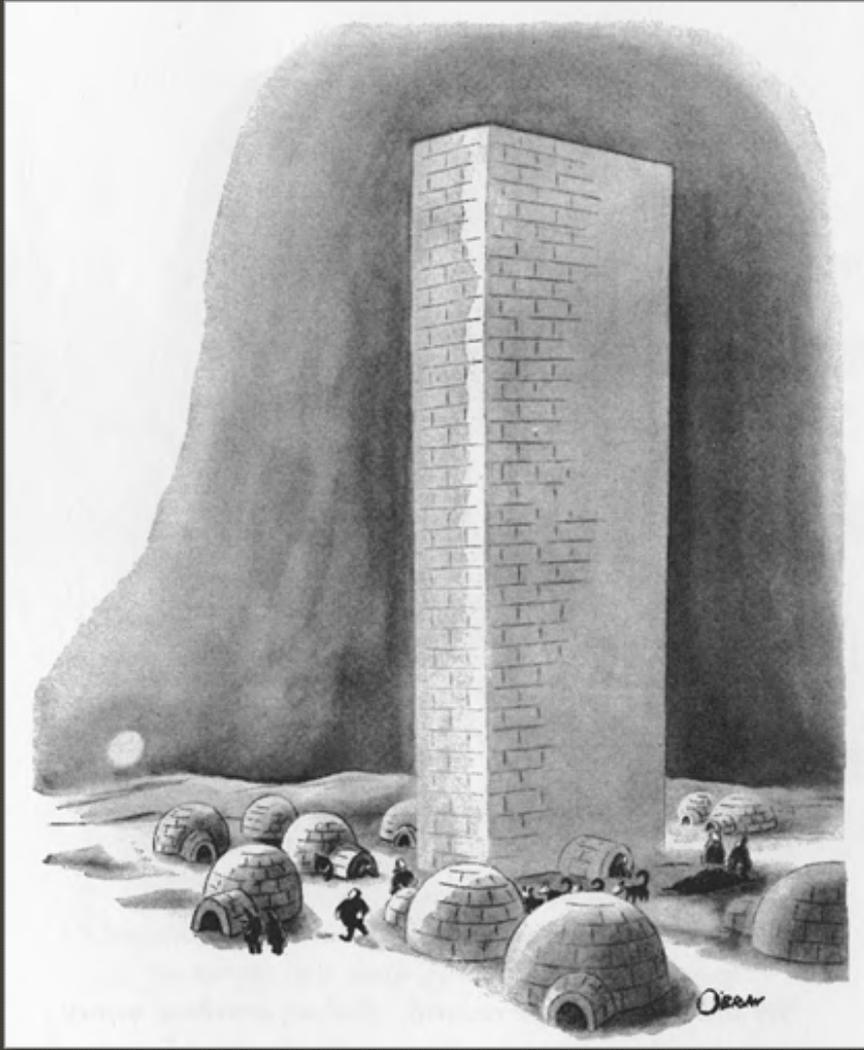
- General Municipal Law 239-m: Must be referred to the County if the site is within 500 feet of:
 - A municipal boundary
 - County or State highway
 - County right-of-way for any stream or drainage channel
 - Boundary of a farm operation in a State certified agricultural district
 - Boundary of a County or State Park
- If a hearing is required, notice must be mailed to the County at least 10 days before the hearing
- If a hearing is not required, notice must be sent prior to the final decision

Approve or Deny

- Is the proposal consistent with the Zoning Code?
- Is the proposal consistent with the objectives of the Comprehensive Plan?
- Will the project require extensive mitigation?
- Is the proposal a good design?



Site Plan Decision - Options



- Review and approve a site plan
- Approve with modifications
- Deny site plan approval
- Impose “reasonable conditions and restrictions as are directly related to and incidental to a proposed site”

Site Plan Record Keeping

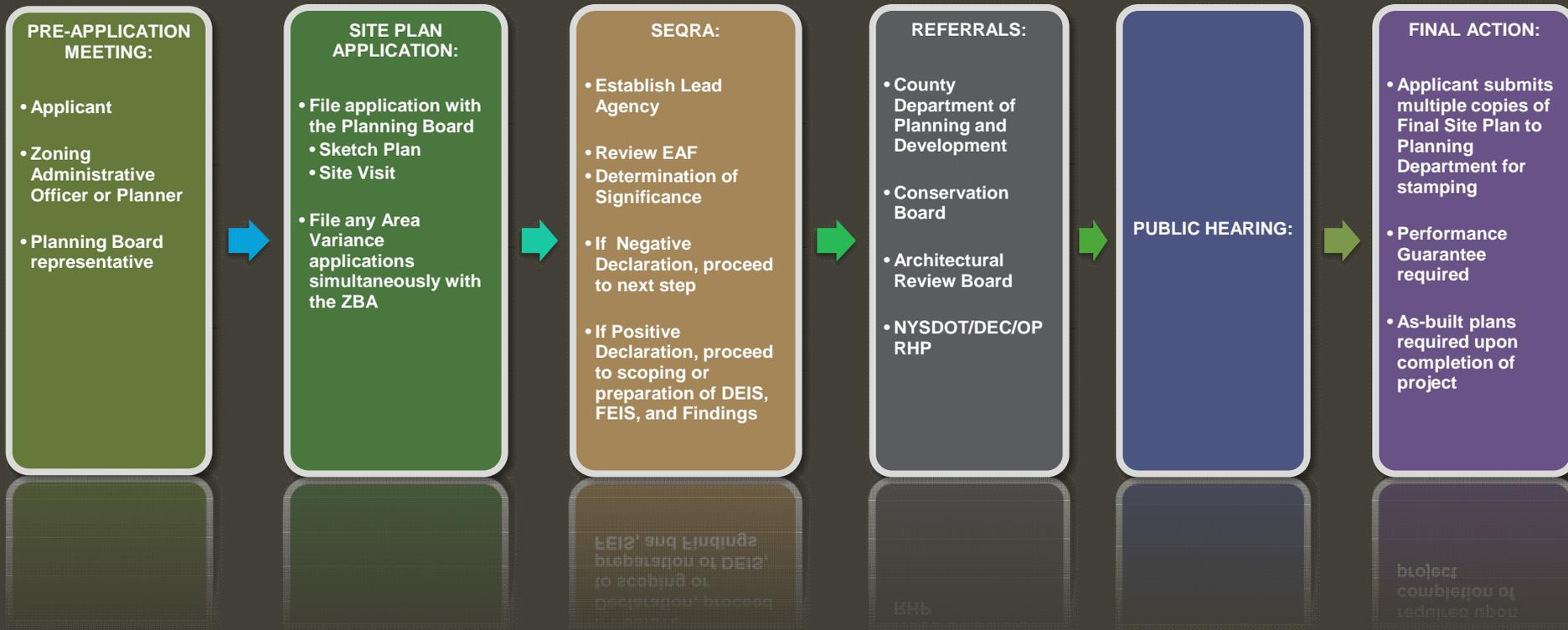
- The reviewing body must:
 - Keep a detailed record of its deliberations
 - Create findings based on reliable evidence in the record
 - Create approval decisions or conditions that are specific and detailed enough for an applicant to understand and for the municipality to enforce.

General City Law §27-a(3), Town Law §274-a(2), Village Law §7-725a(3)

Appeals

- No local board, including the ZBA, has the power to overrule an authorized review body on a site plan
- Appeals from decisions by the reviewing board are taken to the State Supreme Court in an Article 78 proceeding
- The Article 78 proceeding must be commenced within 30 days after the filing of the site plan decision in the municipal clerk's office

Site Plan Review Process



Why Site Planning Matters

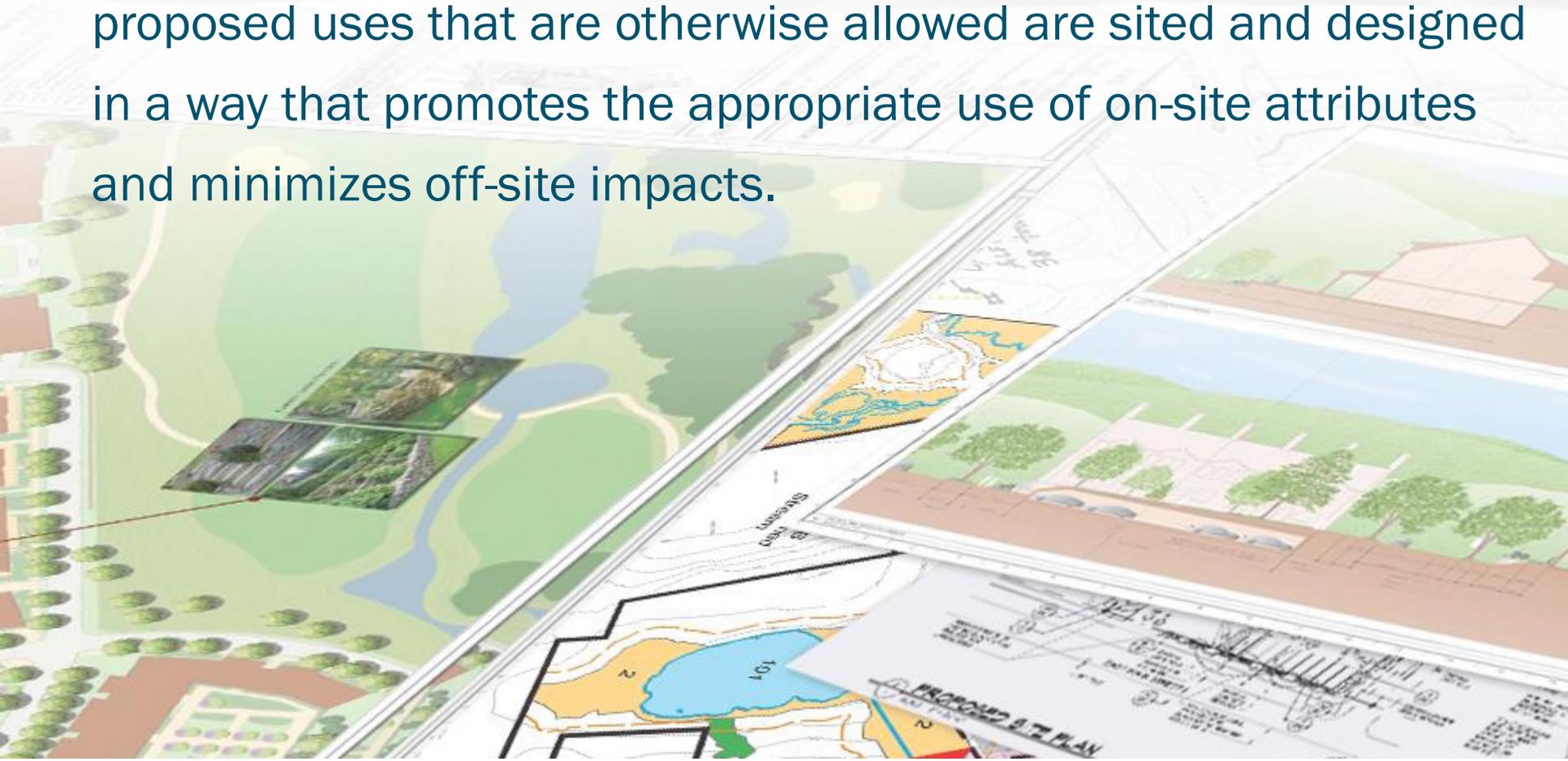


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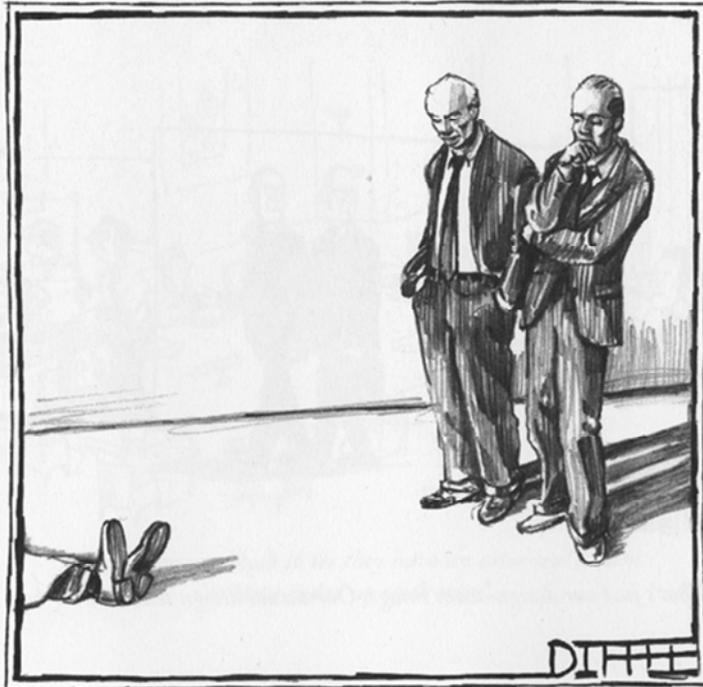


Conclusion

- The site plan review process enables communities to ensure that proposed uses that are otherwise allowed are sited and designed in a way that promotes the appropriate use of on-site attributes and minimizes off-site impacts.



Questions?



*"From the violent nature of the multiple stab wounds,
I'd say the victim was probably a consultant."*

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