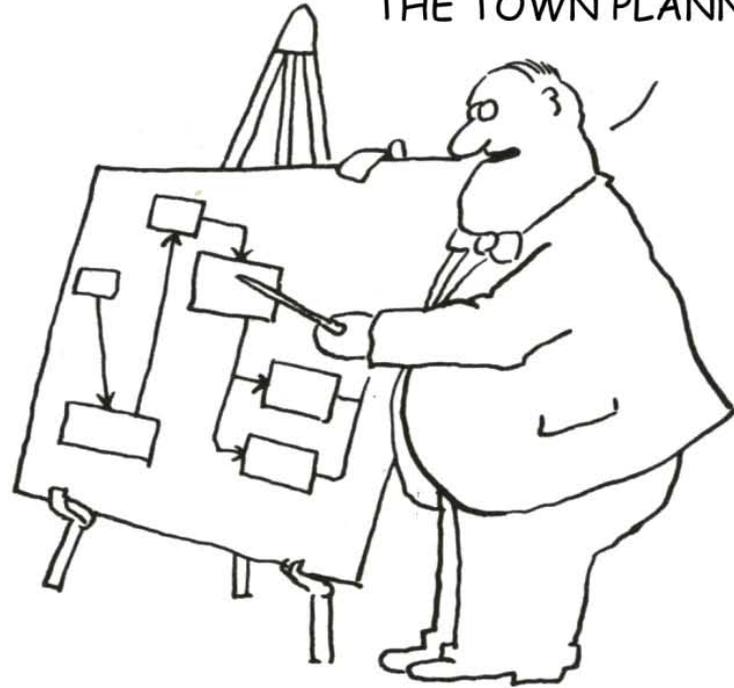




HEDMAN  
©76

WHAT THE CHART DOESN'T  
SHOW IS THE TOTAL CHAOS  
CAUSED AT THIS POINT BY  
THE TOWN PLANNING BOARD



# *Introductory Planning Board Training*

Geoff Milz, AICP  
Cayuga County Department of Planning  
and Economic Development

July 20, 2011

# ***PURPOSE***

To introduce the basic requisites of being a member of a local planning board

- Introduction
- Basic Procedures
- Powers and Duties
- Ethics
- Steps to Success

**The New York State Legislature has granted to towns, villages, and cities the power both to perform municipal planning activities and adopt land use regulations**

- Article 16 of the Town Law
- Article 7 of the Village Law
- Article 3 and 5A of the General City Law

# Other Key Government Players

- Local Legislative Body
- Zoning Board of Appeals
- Building Inspector/Code Enforcement Officer
- Other Special Committees/Entities (Conservation Commission, Landmark Commissions, Architectural Review Boards, Business Improvement Districts, etc.)
- Professional and Support Staff
- County/Regional/State Support

# *Basic Board Procedures*

- Meetings
- Hearings
- Records
- Decisions
- Referrals

# *Meetings*

- Rules of Procedure
  - Bylaws
  - Rules
  - "Roberts Rules"
- Quorum
- Agenda
- Open Meetings Law

# ***New York State's Open Meetings Law***

***(Public Officers Law Article 7, 100-111)***

- Advance notice required
- Public must be allowed to be present
- Media must be reasonably accommodated
- Written minutes required

## **A board may hold a closed meeting or executive session to discuss...**

1. Matters which will imperil the public safety if disclosed
2. Any matter which may disclose the identity of a law enforcement agent or informer
3. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed
4. Discussions regarding proposed, pending or current litigation
5. Collective negotiations pursuant to Article 14 of Civil Service Law

## Executive session (cont'd.)

6. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation
7. The preparation, grading or administration of examinations
8. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the board, but only when publicity would substantially affect their value

# Public Hearings

Sessions conducted by the board at which any and all persons are given an opportunity to be heard on a matter

Public hearings are required by State Law on all

- Subdivisions
- Special Use Permits
- ZBA Appeals
- New or Revised Comprehensive Plans

Remember ....

- Notice
- Quorum

# Public Hearings (cont'd)

## Suggestions for Successful Hearings

- Size of Facility
- Accessibility
- Microphones
- Introduction
- Sign-In Sheet for Speakers
- Second Chance to Speak

# Records

- Minutes
- All Applications
  - Required Materials
  - SEQRA Documentation
  - Third Party Information
- Written Resolutions

# Board Decisions

- Must be filed with the municipal Clerk
- Must be sent to the applicant
- May need to be sent to the County Planning Department

# County Referral

- Required by General Municipal Law Sections 239-m,n
- Purpose- To provide review of countywide or inter-municipal impacts of certain projects

# County Referrals, (cont'd)

## Certain Actions Requiring County/Regional Planning Agency Review

- Adoption or amendment of a comprehensive plan
- Adoption or amendment of a local land-use law
- Issuance of special use permits
- Approval of site plans
- Granting of area or use variances
- Other authorizations the local board is empowered to issue under local zoning ordinance or local law

# County Referrals (cont'd)

Those actions which must be referred to the county are those which affect property within 500 feet of any of the following features:

- A city, town or village boundary
- The boundary of any existing or proposed county or state park or recreation area
- The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway

# County Referrals (cont'd)

- The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines
- The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated
- The boundary of a farm operation located in an agricultural district (does not apply to area variances)

# Powers and Duties

- Preparation of Comprehensive Plan
- Advisory Roles
- Special Use Permits
- Subdivision Plat Approval
- Site Plan Review

AND THE LAST ITEM  
ON THE AGENDA IS  
THE COMPREHENSIVE PLAN



# Comprehensive Plan

## Definition

The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the community

General City Law §28-a, Town Law §272-a, Village Law §7-722

# Comprehensive Plan

Municipal statutes define and provide the process for adopting a comprehensive plan. Adoption of a plan pursuant to these provisions is voluntary. Once adopted, however, all land use regulations must be in accordance with it.

For those communities which choose not to adopt a comprehensive plan pursuant to these statutes, the traditional, court-fashioned definition of a comprehensive plan continues to apply.

AS YOU CAN SEE,  
YOUR HONOR, UPPER  
OUTBACK TOWNSHIP WILL  
BE OVERWHELMED.....  
..... IF WE HAVE TO  
ACCEPT THIS PROJECT.

??? HE MAY BE RIGHT...  
BUT YOU'D NEVER KNOW  
IT FROM LOOKING AT  
ALL OF THIS!



PLAN VOL II  
PLAN VOL III  
PLAN VOL IV

TRAFFIC

ENVIRONM



# Comprehensive Plan

## Benefits

- Defines community vision with shared goals & strategies
- Prioritizes decisions and investments
- Provides legal defense for land use regulations and programs
- Improves opportunities for grant & loan programs
- Requires consideration by other public agencies

# The Comprehensive Plan

## Preparation and Adoption

The governing board must adopt the plan, but may delegate job of preparing it to the Planning Board or another special board

# Advisory Roles

- Issuing recommendations or advice to other boards
- Conduct studies
- No state statutes governing advisory roles

# Special Use Permits

*General City Law §27-b, Town Law §274-b, Village Law §7-725-b*

An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such conditions are met.

# Special Use Permits

- This permitted use requires certain additional requirements to protect the surrounding area from potential impacts of the use.
- The additional requirements are stated in local ordinance or regulations - state law provides for waivers
- If all the requirements are met, approval must be given.
- May be delegated to either board or retained by the Governing Board

# Subdivision

The division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance or law, rule, or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development...

# Subdivision

## Purpose of Subdivision Review

- Proper Mapping and Recording
- Consistency with Plans
- Relationship to Surroundings
- Provision of Essential Services
- Construction of Infrastructure

# *Subdivision Plat Approval*

*General City Law §32, Town Law §276, Village Law §7-728*

- Most common review-and-approval function delegated to Planning Board
- Assigned to Planning Board through resolution or local law
- Governing Board must supersede home rule power to retain subdivision approval power or give to another board
- Subdivision regulations must be recommended to the Governing Board by the Planning Board
- Subdivision regulations
  - Address technical aspects
  - Quantitative standards
  - Not zoning

# Substantive Requirements

- Coordination of Plats
- Compliance with Zoning
- Safeness of Building Sites
- Layout, Design, and Installation of Infrastructure and Utilities
- Placement of Survey Monuments
- Reservation of Parkland

# Roads

- Sufficient width and suitable grade
- Suitably paved
- Located to accommodate traffic
- Afford adequate light and air
- Facilitate fire protection

# Other Public Utilities

- Street signs
- Sidewalks
- Street lighting standards
- Curbs and gutters
- Street trees
- Water mains
- Fire alarm signal devices
- Sanitary sewers
- Storm drains

# Security

The developer shall install required public improvements or post a performance bond or other authorized form of security to guarantee installation of such public improvements

# Parkland

When a proper case exists, a planning board may require reservation of parkland or impose a fee in lieu thereof

# Pre-application

- Initial meeting and identification of other agencies
- Review of sketch plan
- Address SEQR requirements

# Other Involved Agencies

- NYS DEC or other agency
- U.S. Army Corps of Engineers
- NYS DOT
- County Health department
- County Highway Department
- County Planning Board

# Preliminary Plat

- Submission of preliminary plat and EAF (or DEIS, if required)
- Preliminary review for other permits requested
- Review of preliminary plat
- Public hearing
- Action by planning board

# Information Commonly Required

- Property survey reference and location map
- Property owner, surrounding owners
- Property zoning, surrounding zoning
- Topographic survey of site
- Bearings and distances of all lines
- Curve data

# Information (cont'd)

- Corners of lots
- Rights-of-way, watercourses, utilities, roadways, etc.
- Points of highway access, proposed street grades
- Proposed on-site services
- Street names and addresses
- Environmental data
- Other permit information

# Final Plat

- Final plans prepared, other approvals obtained
- Final plat submitted
- EIS submitted, if required
- Public hearing, if required
- Action by planning board
- Security furnished, if applicable
- Final plat stamped, endorsed, and filed

# Findings

Grounds for modification or disapproval must be stated upon the record.

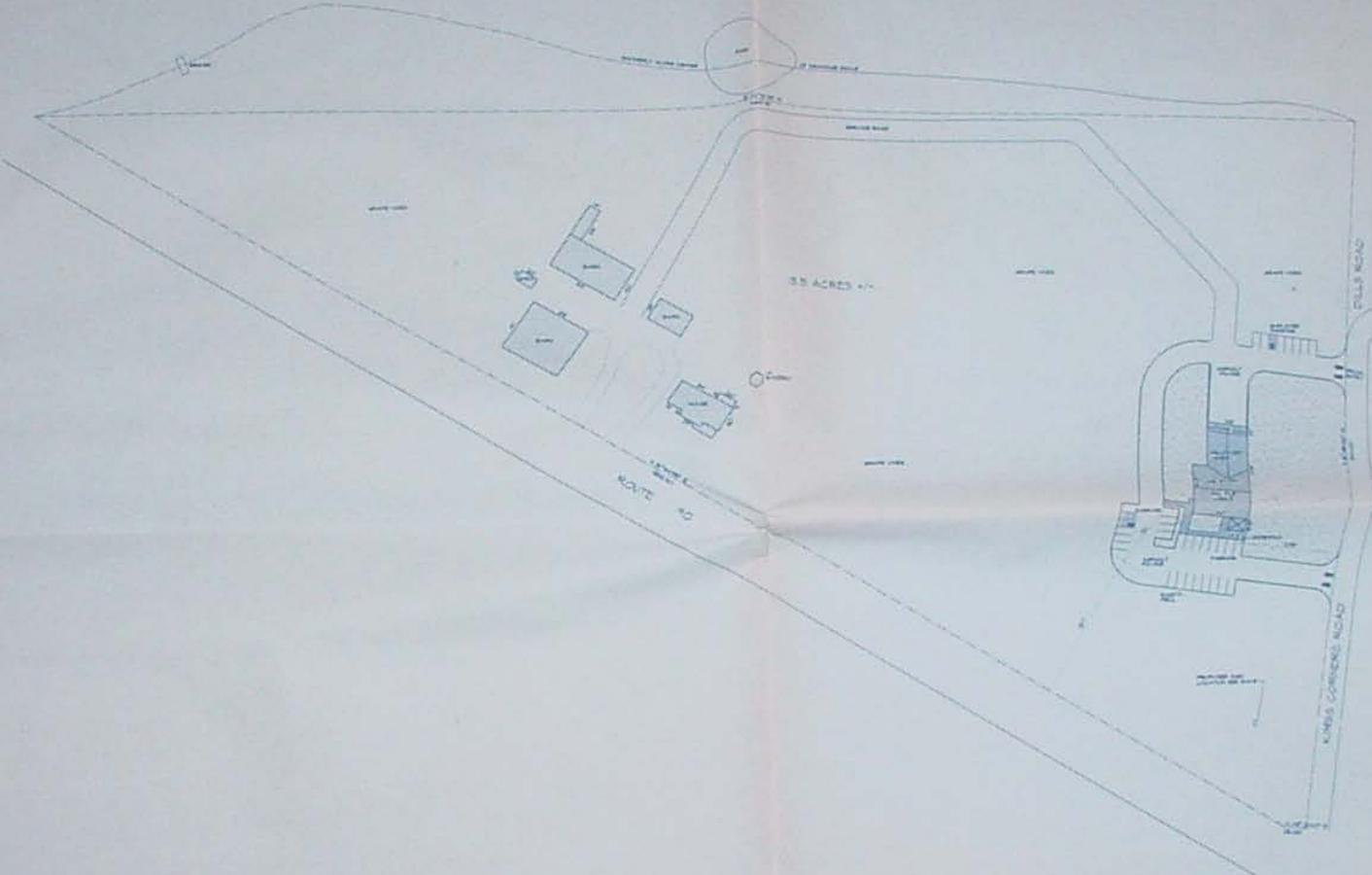
# Basis for Determination

A court will not upset a planning board's determination if it is rational and supported by substantial evidence.

Generalized complaints or speculative fears of predicted consequences provide no basis for disapproval.

# Site Plan

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



JANICE  
M.  
MILLER  
ARCHITECT

437 JORDAN ROAD  
MAHWAH, NJ  
015 685-7641  
015 685-6643 FAX

A PROFESSIONAL ARCHITECT HAS PREPARED THIS PLAN IN ACCORDANCE WITH THE PROFESSIONAL ARCHITECTS ACT OF 1968, AS AMENDED. THE ARCHITECT'S SEAL IS REQUIRED BY LAW TO BE PLACED ON ALL ARCHITECTURAL PLANS.



DATE: 12/18/02

PROJECT FOR:

DILL'S RUN VINEYARD  
NY'S RT. 80  
LEDYARD, NY

SHEET TITLE:

CONCEPT PLAN

PROJECT NUMBER:

002-24

SHEET NUMBER:

SP-C

1 CONCEPT PLAN  
SCALE 1"=80'

JANICE  
M.  
MILLER  
ARCHITECT

4357 JORDAN ROAD  
SKANEATELES, NY  
(315) 685-0641  
(315) 685-0642 fax

THIS IS A PRELIMINARY DESIGN AND NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF AN ENGINEER. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.



DATE: 12/16/02

PROJECT FOR:  
DILL'S RUN VINEYARDS  
N.Y.S. RT. 90  
LEDYARD, NY

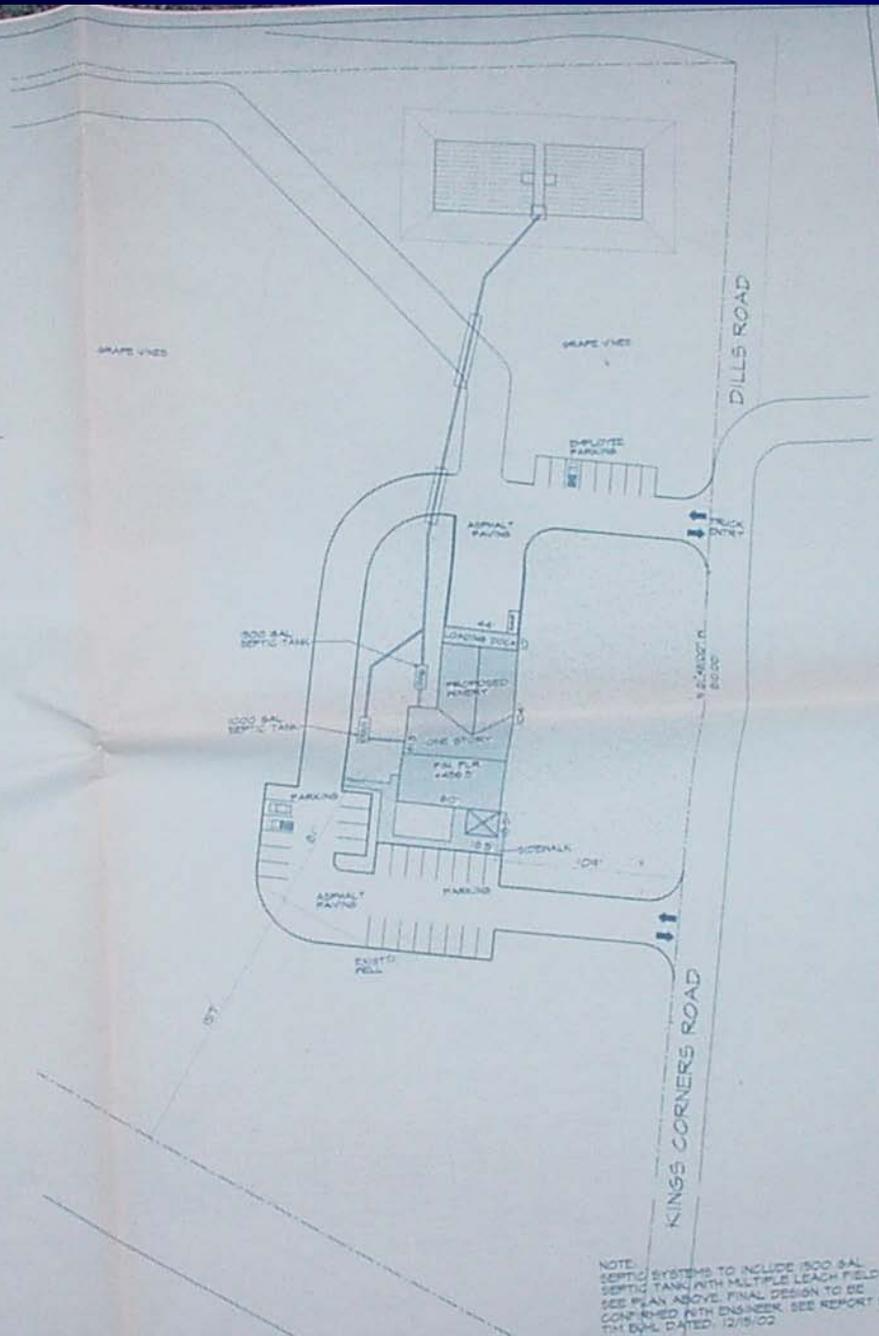
SHEET TITLE:  
SITE PLAN

PROJECT NUMBER:  
002-29

SHEET NUMBER:  
SP



RETAINING WALL DETAIL  
1/2" = 1'-0"



NOTE:  
SEPTIC SYSTEMS TO INCLUDE 1800 GAL SEPTIC TANK WITH MULTIPLE LEACH FIELDS. SEE PLAN ABOVE. FINAL DESIGN TO BE CONFIRMED WITH ENGINEER. SEE REPORT BY TIM DUNN, DATED 12/15/02

# Site Plan Review

## Purpose of site plan review

- To ensure that the development of individual parcels of land do not have an adverse impact on adjacent properties or the surrounding neighborhood
- To ensure that development fits properly into the community and conforms to its planning objectives

# Site Plan Review

*General City Law §27-a, Town Law §274-a, Village Law §7-725-a*

- May be delegated to either board or retained by the Governing Board
- Review of specified elements related to the development of a parcel
- Determination of what types of uses and/or which zoning districts require site plan review

# Site Plan Review

## When Required

The local law or ordinance specifies the uses that require site plan approval.

## Authority

The local legislative body may retain the approval power or it may designate another administrative body.

# Site Plan Review

## Elements and Criteria

The local ordinance or law must specify the elements to be included on plans submitted for approval. It should also describe the evaluation criteria to be used by the reviewing body.

# Elements

- Parking
- Means of access
- Screening
- Signs
- Landscaping
- Architectural features
- Locations and dimensions of buildings
- Adjacent land uses and physical features meant to protect adjacent land uses
- Any additional specified elements

# Site Plan Review

## Elements and Criteria

- Submittal of application
- Hearing (optional)
- Decision

# Site Plan Review

## Other issues

- Recreation land
- Conditions
- Procedural aspects
- Findings and basis for decision
- Judicial review

# Site Plan Review

## Appeals

- Decisions can only be appealed by applying to the State Supreme Court for review by a proceeding under article seventy-eight of the Civil Practice Law and Rules.
- Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the town clerk.

# Ethics

## Conflict of Interest

To avoid conflict of interest and even the appearance of impropriety, the public planning official who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be either direct or indirect, creating a material personal gain, or provide an advantage to relations, friends, groups, or associations that hold a significant share of the official's loyalty...

*American Planning Association Statement of Ethical Principles*

# Ethics

## Gifts

Avoid even the hint of a possibly influential gift.

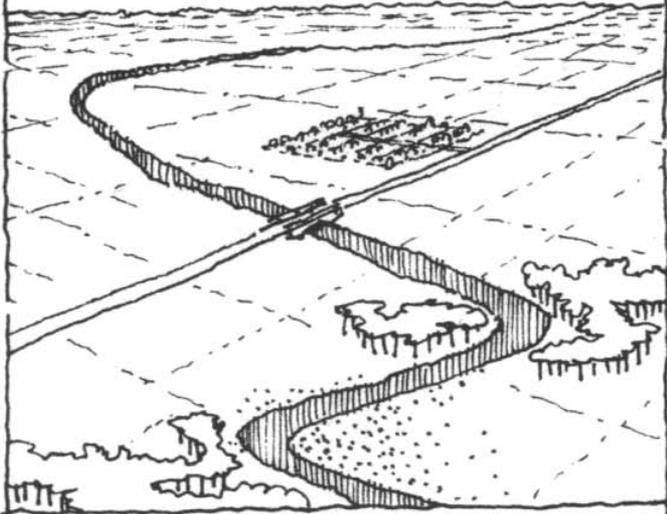
## Ex Parte Contacts

Do not discuss cases with any party involved, or potentially involved in a matter before the Planning Board outside of the public process.

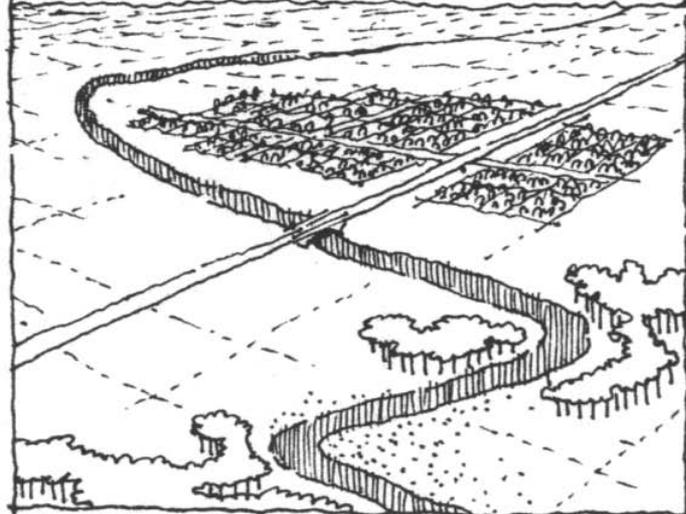
# Five Steps to Success

1. Be a community leader
2. Know your community, its geography and character
3. Know your local regulations and all required procedures
4. Know your partners
5. Treat everyone with courtesy and respect

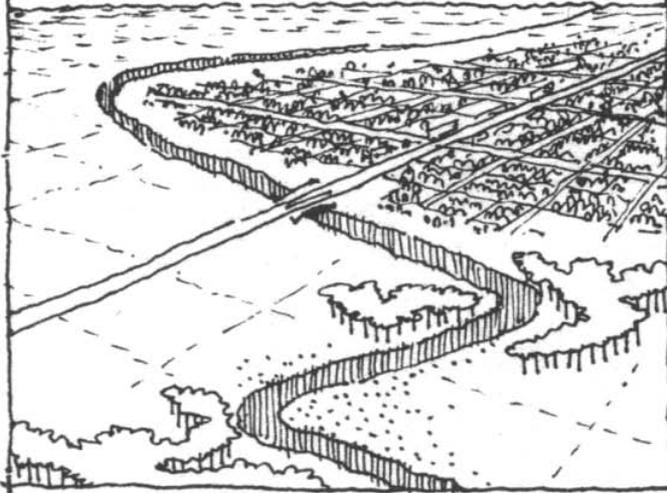
YEAR 1



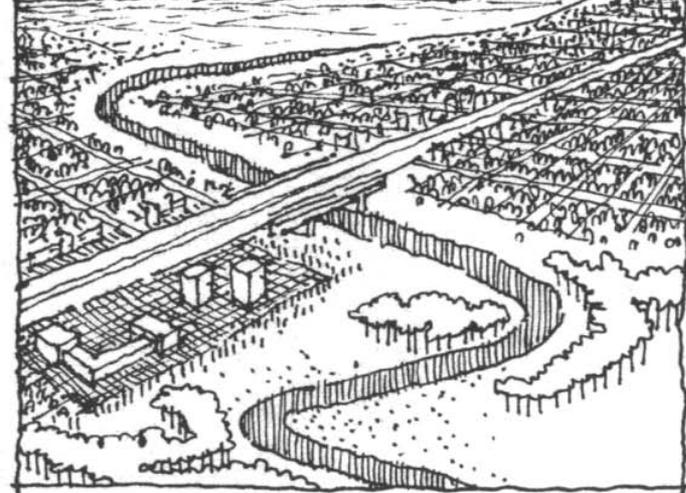
YEAR 5



YEAR 10



YEAR 15





Richard Hedman and Fred Bair, Jr. (And On the Eighth Day, American Planning Association)

The work of a planning board member has a permanence not found in other endeavors.

# *Questions?*

If you have any questions, feel free to contact me

Geoff Milz

Cayuga County Department of Planning  
and Economic Development

315-253-1276

[ncolas@co.cayuga.ny.us](mailto:ncolas@co.cayuga.ny.us)

**Next Training – September 14**

## *Question*

You are shopping at Wegmans and you are approached by a resident of your town. She lives in the neighborhood of a proposed subdivision that she is opposed to and she begins to tell you of her concerns. A review of the subdivision is on the agenda of your next planning board meeting. How should you react?