



Site Plan Review

A Division of the New York Department of State

Designating a review board

Governing board may retain review authority or delegate authority to review some or all uses to another board

- Planning board
- Zoning board of appeals as "original" jurisdiction
- Other authorized boards

Once delegated, decisions are **not** appealed to the governing board



Site plan defined

Rendering, drawing, or sketch prepared to specifications, containing necessary elements (listed in zoning ordinance or local law), **which shows the arrangement, layout and design of the proposed use of a single parcel of land** as shown on plan

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



Focus on single piece of property

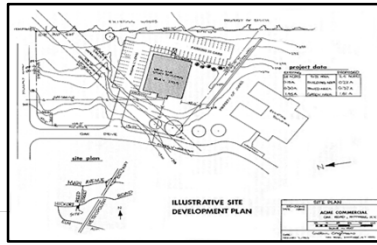
- Can be used without zoning
- Applicable to many uses
- Projects may range in size
- Change in use may trigger review If provided for in local law
- Should be considered for accordance with comprehensive plan



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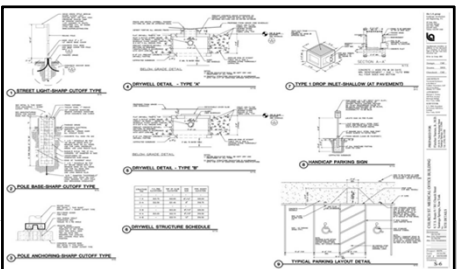
Site plan layout & materials

- Survey map
- Location map
- Scale
- Physical features
- Existing & proposed:
 - Buildings
 - Roads & site access
 - Parking & loading
 - Water & sewer
 - Stormwater
 - Other utilities

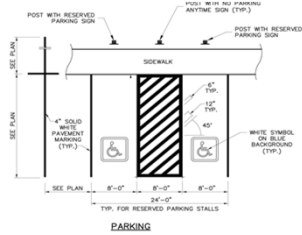


Sample detail sheet

- Utilities
- Stormwater
- Parking
- Landscaping
- Access
- Sidewalks
- Signage
- Lighting

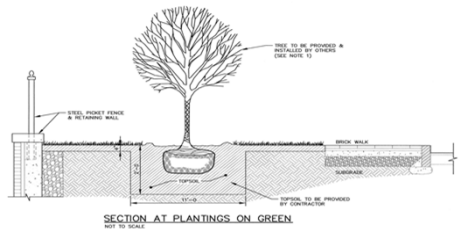


Parking detail



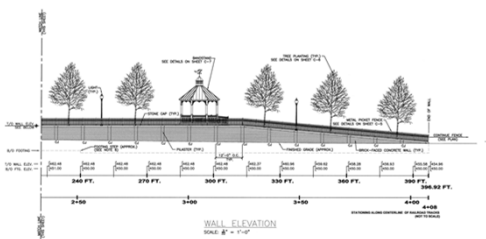
2 RESERVED PARKING STRIPING & SIGNAGE

Tree & sidewalk detail



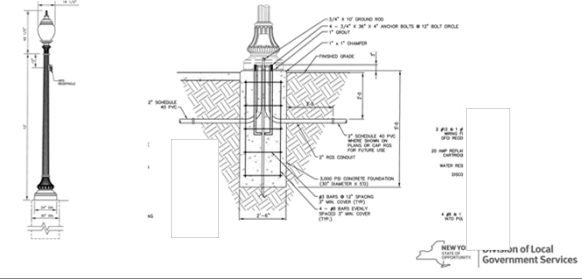
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Landscaping detail



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Lighting detail



Uses subject to review

Certain uses throughout community



Uses subject to review

Certain zoning districts



Uses subject to review

Certain uses in overlay zones



Local site plan review regulations

- Specify uses requiring site plan approval
- Specify review board
- Indicate who will enforce conditions
- Specify submission requirements
- List local procedures
 - Public hearings not required by statute
- List elements or criteria for review

Community resilience

“The ability of a system to withstand shocks and stresses while still maintaining its essential functions.”



Resilient Communities:

- Are familiar with their natural hazards
- Are prepared for them
- Recover quickly when they occur



Resilience planning

Considers multiple systems to create vital communities:

- A holistic approach
- New neighborhoods and relocations
- Infrastructure modification and backup

Expand, conserve or revitalize natural protective features:

- Storm damage benefits
- Environmental benefits
- Quality of life benefits for residents and visitors



Examples of elements for review

- Proposed grades & contours
- Sewage & storm drainage
- Utilities
- Traffic, access & parking
- Building placement
- Architectural features
- Lighting & signage
- Screening & landscaping
- Relationship with adjacent uses

Only elements specified by governing board by law or ordinance

Review elements

Grading & contouring
Stormwater & erosion control



Review elements

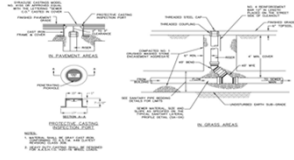
Storm water pollution prevention plan (SWPPP)

- Reduce runoff rate & volume
 - Remove pollutants from runoff generated on development sites
- Natural alternatives to engineered systems:
- LID (Low Impact Development): preserve natural drainage features & patterns
 - Green Infrastructure: use vegetation & soil to manage rainwater where it falls



Review elements

Utilities



6 SANITARY LATERAL CLEANOUT

Review elements

Traffic impacts

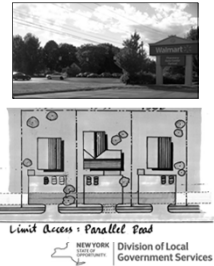


Land Use	≥100 Peak Hour Trip Thresholds
Single Family Home	95 residential dwelling units
Apartment (renter occupied)	150 residential dwelling units
Condominium/Townhouse (owner occupied)	190 residential dwelling units
Mobile Home Park	170 residential dwelling units
Shopping Center	6,000 square feet (gross floor area)
Fast Food Restaurant with Drive-in	3,000 square feet (gross floor area)
Gas Station with Convenience Store	7 fueling positions
Bank with Drive-in	3,000 square feet (gross floor area)
General Office	67,000 square feet (gross floor area)
Medical/Dental Office	31,000 square feet (gross floor area)
Research and Development Facility	73,000 square feet (gross floor area)
Light Industrial/Warehousing	180,000 square feet (gross floor area)
Manufacturing Plant	149,000 square feet (gross floor area)
Park-and-Ride Lot with Bus Service	170 parking spaces
Hotel/Motel	250 rooms

Review elements

Access management

- Limit access points
 - Increase spacing
- Sight distance
- Intersections
- Side road access
- Internal roads
- Parallel access roads



Review elements

Ingress & egress



Review elements

Parking & internal traffic patterns



Review elements

Pedestrian friendly parking placement

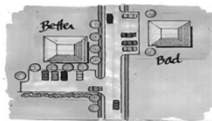
This is not what we mean by parking in the rear of the building



Review elements

Pedestrian friendly parking placement

- In many places, cars are the priority
 - Not people
- Better building orientation
 - Pedestrian friendly
 - Scale
 - Visual interest
 - Access



Review elements

- Pedestrian friendly
- Architectural features
 - Building orientation



Review elements

- Pedestrian friendly
internal circulation



Review elements

- Lighting & noise



Review elements

Landscaping, buffering & snow storage



SEQR compliance

- Must complete SEQR before making final local decision
- Require Environmental Assessment Form (EAF) with application submission
- Establish lead agency if coordinated review
- Make determination of significance
 - Positive (EIS required) or negative declaration
- "Complete application"
 - Negative declaration issued
 - Positive declaration issued and Draft Environmental Impact Statement (DEIS) accepted for public review
 - NYCRR Part 617.3

Public hearing

- Not statutorily required, but could be required locally
- Hold within 62 days of "complete application" (SEQR)
- If DEIS hearing, hold in conjunction with SP hearing
- Open Meetings Law
- Publish legal notice in newspaper of general circulation at least 5 days prior
 - Extend to at least 14 days when DEIS hearing
- Mail notice 10 days prior:
 - Applicant
 - County planning (GML 239-m) if applicable
 - Adjacent municipality (GML 239-nn) if applicable

County referrals GML §239-m

Must be referred to County Planning Agency if within 500 feet of the boundary of:

- Municipality
- State or county park or recreation area
- R-O-W of state or county road
- R-O-W of county-owned stream or drainage channel
- State or county land on which a public building is located
- Farm operation in a state agricultural district
 - Except for area variances



Notice to adjacent municipalities

- GML § 239-nn requires notice of public hearings held for approvals on property within 500 feet from municipal boundary for:
 - Site plan review
 - Special use permit
 - Subdivision review
- Notice clerk of adjacent municipality at least 10 days prior to public hearing by mail or email



Direct appeal

An area variance application may be made by applicant directly to ZBA



Ability to place conditions

- "...directly related to and incidental to a proposed site plan"
- For example: landscaping; drainage



Waiver of requirements

Review board may waive submission or permit requirements if:

- Authorized by governing board
- Deemed unnecessary in interest of public health, safety or general welfare or inappropriate to particular property



Example: Waiver of screening with existing natural buffer

Parkland

Land or money in lieu of parkland for residential recreation needs



Security agreements

If improvement will not be installed prior to issuance of certificate of occupancy, be sure to get a security agreement

- Cash in escrow
- Performance bond
- Letter of credit



Decision and appeals

- Must render within 62 days after close of hearing
- File with municipal clerk within 5 business days
 - 30 day statute of limitations for appeal
- Decisions are not appealed to governing board
- Aggrieved parties may file appeals under Article 78 Civil Practice Law and Rules
 - NYS Supreme Court
 - Appellate Division
 - Court of Appeals

Enforcement

- Authorize zoning or code enforcement officer to enforce site plan is completed as agreed & any conditions imposed
- Could be stated in site plan local law, zoning code, or statement of CEO/ZEO duties



Require that approval conditions must be met to extent practicable prior to issuance of certificate of occupancy or compliance

New York Department of State

(518) 473-3355 Training Unit

(518) 474-6740 Counsel's Office

(800) 367-8488 Toll Free

Email: localgov@dos.ny.gov

Website: www.dos.ny.gov
www.dos.ny.gov/lq/lut/index.html



Design Principles for Commercial and Industrial Sites

By Holly L. Thomas

Site plan decisions have a lasting effect on a community's appearance and function. The design of development projects is, therefore, a matter of public concern. This report briefly presents elements that form the basis for better site planning and twelve principles for designing and evaluating commercial and industrial site plans. It is a framework for a series of educational briefs that will address many of these principles in more detail.

Keys to Better Site Planning

Several elements ensure that new development or redevelopment projects will turn out well for all concerned.

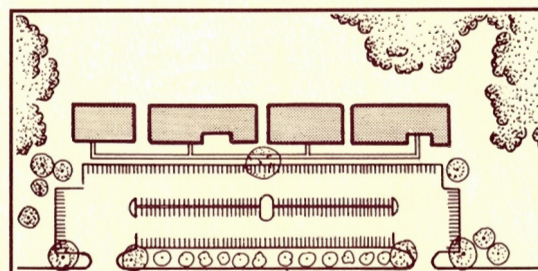
First, a well thought-out comprehensive plan and zoning consistent with that plan should support high standards for all development. Weak regulations lead to weak or cumbersome decisions. Outdated or inconclusive plans are not likely to match the community's needs and are difficult to defend if challenged.

Second, zoning and site plan standards should be well crafted, up to date, and innovative. They should include design guidelines or standards to ensure that new development will fit harmoniously with the best of what already exists.

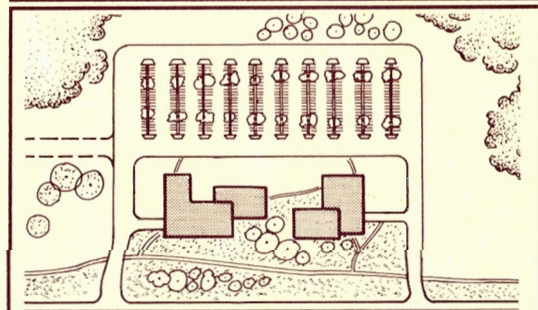
Third, the community must lead developers to consider the interrelationships among sites. These interrelationships can include traffic patterns, open space connections, routes for bicyclists, pedestrians, and transit vehicles, visual impacts, links to housing and recreation for prospective employees and clients, and so on.

Fourth, every project should be held to the high standards needed to accomplish the community's goals. Local officials should consistently enforce environmental protection, open space, landscaping, parking, circulation, pedestrian access, and other standards.

Fifth, the community should understand how its standards can improve a project's quality and marketability. Development is a risk-ridden business and these risks are voluntarily incurred. The best designers and developers know how to profit while meeting community standards and are attracted to careful communities.



Typical Light Industry/Commercial Plaza
Parking in Front Dominates Site, Perfunctory Landscaping, Required Open Space Concentrated at Rear of Site, Building Shapes Uninteresting and Monolithic, No Sidewalk Links, No Plan Made for Access to Adjacent Site



Preferred Light Industry/Commercial Plaza
Parking in Rear, Landscaping Dominates Site, Required Open Space Used to Enhance Site Design, Building Shapes More Interesting, Pedestrian Trail Provided, Accessway to Adjacent Site Reserved for Future Use

Site Planning Principles

With these keys in mind, the following 12 site planning principles should be applied.

- 1. Preserve and Take Advantage of Natural Features**
 - Shape the site plan around important natural features, not vice versa; look at these features before the design is even conceived. For example, consider mature trees, rock outcrops, slopes, wetlands, and stream channels as landscape components and opportunities, not obstacles.
 - Use natural features as amenities to minimize maintenance costs and environmental impacts and to relate footpaths and the landscape plan to the larger open space system.

2. Design and Protect the Open Space System

- Establish a minimum open space requirement, and arrange it on each site so that it works as part of a system rather than only as a percentage of lot size.
- Develop an open space system plan for each site, in addition to the landscape planting and drainage plans.
- Link the natural open space system to the landscaping plan by landscaping with native species and low maintenance plants as much as possible.
- Develop community landscaping standards and street tree programs. Encourage groups to "adopt" street fronts, boulevard medians, and other landscaped public spaces to maintain and improve them.

3. Give Pedestrians Priority

- Include walkways in all commercial and industrial site plans; use them to link parking lots, transit stops, and buildings on site and with adjacent properties. Provide connections to nearby residential, recreational, and institutional uses as well.
- Coordinate these pedestrian systems with access for buses and vans.
- Provide benches, shade, and human-scale lighting.
- Provide planted or landscaped strips between the sidewalk and road. Enforce requirements that the landscaping be kept in good condition.
- Encourage traditional street-front designs that group buildings close to roads and use windows to appeal to **passersby in community centers, instead of strip-mall** designs with deep setbacks and less interesting facades.

4. Control the Coverage

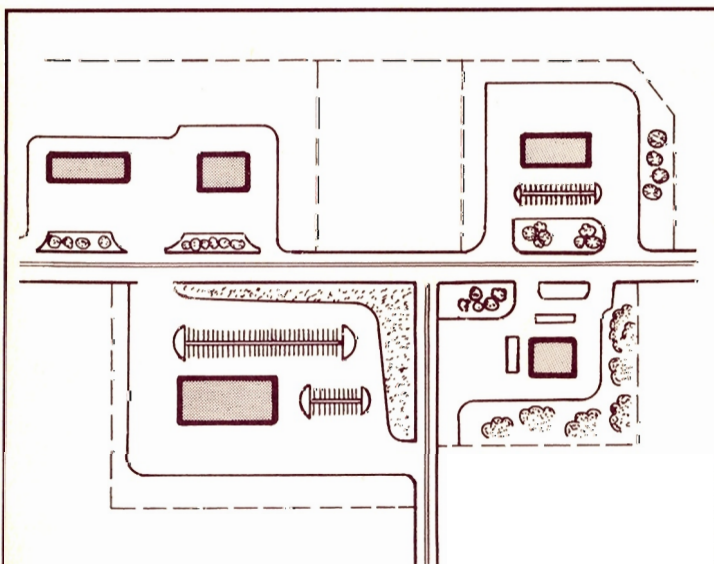
- Establish maximum coverage limits for all paved or impervious surfaces, including all parking areas and drainage systems.
- Tailor those limits to the community; densely settled areas such as cities, village centers, and some hamlets warrant a higher coverage allowance than more sparsely developed areas.

5. Minimize Traffic Impacts

- Require developers to construct and maintain links to adjacent uses. Where adjacent parcels will not be developed for some time, require the developer to leave the accessway clear and provide for its future construction through deed restrictions and bonds or contributions to a transportation improvement fund.
- Require or provide incentives for the sharing of access points, especially near intersections with traffic lights.
- Limit the opportunity for left turns or cross-traffic turns that require new median cuts or an additional signal on a major highway. These turns should be handled through service roads or existing traffic lights.

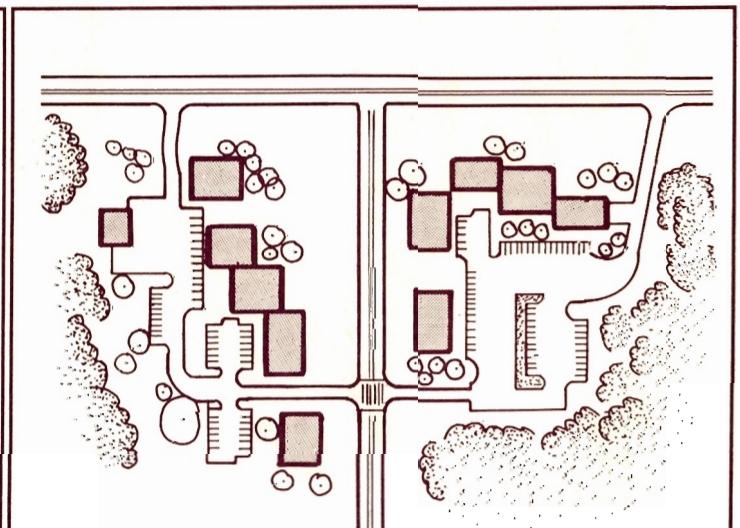
6. Encourage Bus, Bicycle, Van Access

- Design new projects so that they can accommodate transit vehicles with suitable turning areas, drop-off points, and bus shelters.
- Include bike parking areas and bikeways within all major site designs and downtown development plans. Connect but do not necessarily combine them with pedestrian routes.



Typical Commercial Intersection

Parking in Front, Each Site Has Own Access to Main Road, Minimal and Fragmented Landscaping, Generic Architecture



Preferred Commercial Cluster

Parking Behind Buildings, Shared Access to Both Roads, Ample and Unified Landscaping, More Interesting Architecture

7. Break Up, Conceal, and Buffer the Parking Lots

- Place parking along the side and rear of buildings rather than in front. In community centers, place the buildings near the streets to further conceal the parking and to link the site to the streetfront and sidewalk systems.
- Generously landscape the lot and its perimeter. Include the area within the parking fields in the landscape plan as well, with the planting distributed among islands of shrubs and shade-giving trees.
- In areas that can handle the traffic concentration or where low speeds are called for (as in a community center), offer bonuses in commercial footage in exchange for the construction of parking decks and underground parking areas.
- Use the most current parking generation rates to ensure that parking lots are not over- or under-sized. Allow complementary uses to share some of their parking spaces.
- For large projects, allow developers to postpone full construction of the parking lot until demand is evident. A performance bond can ensure proper compliance.
- In congested highway corridors or downtowns link the required lot size and permitted square footage to efforts to limit traffic. For example, give bonuses for effective ride-sharing and shuttle bus programs.
- Make the parking fit the normal need, not the worst case scenario, and provide alternative, unpaved parking areas for peak volumes. For example,

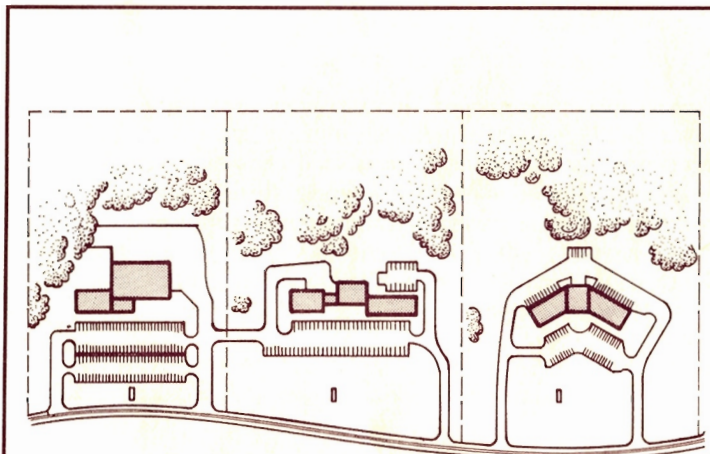
shopping centers can provide grassed fields with trees to accommodate holiday shoppers instead of paving every conceivable space.

8. Encourage a Mixture of Uses

- Look for opportunities to encourage a mixture of uses in one building as well as on one site, as long as those uses complement each other and the site is an appropriate size. Work with building code officers to tailor permitted uses within any one building to fire code and insurance requirements.
- Encourage the mixing of residential, commercial, and office spaces in downtown or main street business districts and strive for a traditional "main street" feeling in the site design.
- Encourage second and third floor apartments over small businesses.

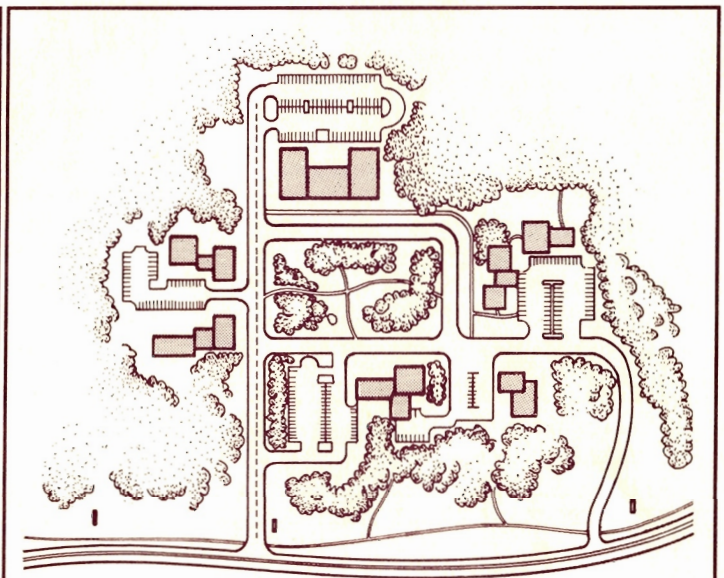
9. Use Architecture that Fits the Community

- Make sure that site plan regulations specifically include architectural quality and compatibility among the items to consider in any review.
- Develop specific illustrated architectural guidelines based on local standards, patterns, and preferences.
- In high density areas such as town centers, hamlets, cities and other appropriate areas, use short maximum setbacks to require that buildings be placed near the street. This will help conceal the parking areas and make the sign and landscape designs effective at a smaller scale.



Typical Commercial/Office Strip

Parking in Front, Multiple Curb Cuts, Maximum Visual Intrusion and Site Clearance, No Trail System, Unpleasant Pedestrian Environment, No Common Open Space, Existing Woodland Pushed to Rear of Sites



Preferred Commercial/Office Group

Parking in Interior of Site, Shared Access to Main Road, Minimal Visual Intrusion on Landscape, Sidewalk and Trail System, Common Space for Site Workers and Visitors, Existing Woodland Used as Landscape Buffer

- Encourage conversions of older houses, in keeping with community design themes, rather than their demolition and replacement.

10. Provide a Sense of Public Interest and Public Space

- Include benches and public spaces, covered walkways, arcades, awnings, etc. in the entryways, walkways, and open space systems wherever feasible.
- Make the commercial site interesting and lively. For example, include restaurant patios, courtyards, cafes, or other appropriate outdoor activity areas.

11. Improve the Signs

- Develop design guidelines that call for coordinated styles and materials.
- Limit the number and size of signs permitted for each use or site.
- In high traffic corridors, reduce the number of permitted signs to limit the visual distraction they cause.
- Discourage the use of menu signs with numerous items or long lists of stores.
- Incorporate signs into the architecture. Encourage the use of wall signs rather than free-standing signs.
- Establish sign districts for areas of special concern.

12. Use Design Standards to Pull It All Together

- Develop illustrated guidelines and standards tailored to the appearance and priorities of the community. These should include landscape designs, parking arrangements, sign themes, walkway designs, connections with adjacent properties, and architectural features (such as preferred building materials, height limits, building mass, facade treatments, and roof and window patterns).
- Make the illustrations widely available to residents and developers to give them a clearer idea of what the community wants and where it is willing to be flexible.
- Build in enough flexibility to meet the needs of specific projects while insisting that they enhance the community character.

Taking the Initiative

If local officials and residents don't know what they want their community to be like, a developer cannot be expected to know. Every community must figure out what it wants and write it down. Then it can develop, apply, and enforce standards built on these concepts and others that match its vision. Some of the steps each municipality can take to lead development in the right direction are:

- Periodically survey community opinion about specific needs and ideas, and incorporate these preferences into site-specific strategies and comprehensive plans.
- Publicly acknowledge and reward good examples of architectural or site design and landscaping.
- Provide incentives for and commend examples of cooperation among landowners, businesses, and residents involved in specific community improvement projects (i.e. downtown clean-up campaigns, providing flower beds and landscaping near shared walkways and parks, maintaining planted medians along public highways, etc.)
- Enlist volunteers and civic groups in designing and maintaining areas for public use or benefit, including street trees, mini-parks, walkways, open space links between commercial and residential sites, etc.
- Seek out developers for important sites targeted for commercial or industrial use instead of reacting only to whomever comes before your local boards. Look for a track record of creative and responsible site design.
- Identify and work with owners of lands planned for conservation or a mixture of development and conservation to develop fair and specific ways to protect those lands while allowing for its appropriate use.
- Keep an eye on what is happening in adjacent communities and anticipate how it might affect your own.



Conclusion

Municipal boards can work with developers and achieve community goals if their comprehensive plans and local zoning laws reflect these twelve principles. By incorporating the principles into official documents, decision makers will strengthen their legal authority and will be able to negotiate effectively with developers and residents. Specific illustrated design guidelines based on these principles will further improve the process. Having clear guidance available will also make it easier for community leaders to combine incentives with regulations to produce projects worthy of acclaim.

This is one of a series of brief reports the Planning Department is preparing on community design issues. Subsequent reports will examine design principles in more detail.

Illustrations Adapted From:

The Fort Drum Land Use Team. Community Design Guidelines Manual, Watertown, NY: The Fort Drum Land Use Team, 1990.

Yaro, Robert D., Randall G. Arendt, Harry L. Dodson, and Elizabeth A. Brabee. Dealing with Change in the Connecticut River Valley: A design Manual for Conservation and Development. Amherst, MA: Center for Rural Massachusetts, University of Massachusetts at Amherst, 1988.

Financial assistance for this Technical Memorandum was received from the U.S. Department of Transportation and the New York State Department of Transportation. The conclusions and recommendations are the responsibility of the Dutchess County Department of Planning.