

SITE PLAN REVIEW

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, as set forth in the applicable 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 said plan



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

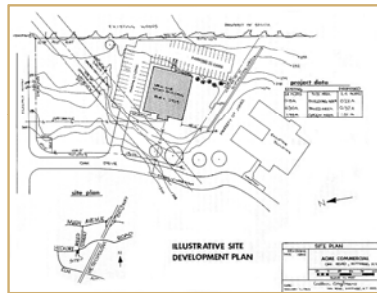
Focus on single piece of property

- 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



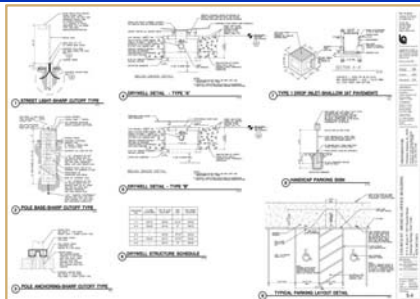
Site plan layout & materials

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

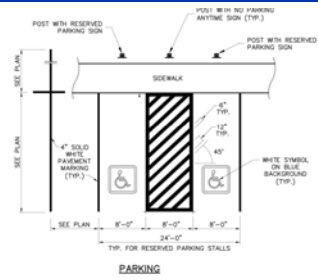


Sample detail sheet

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

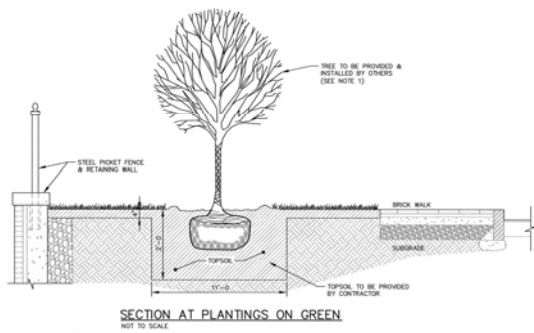


Parking detail

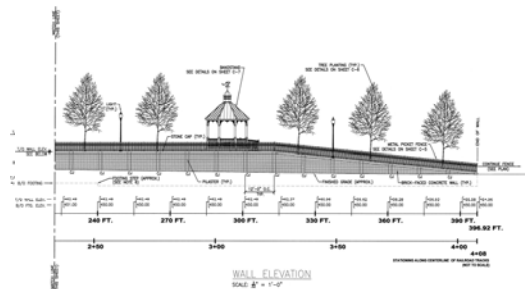


2 RESERVED PARKING STRIPING & SIGNAGE

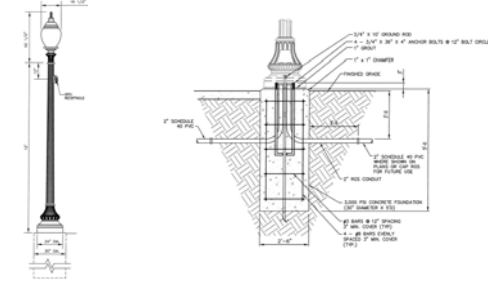
Tree & sidewalk detail



Landscaping detail



Lighting detail



Uses subject to review

In certain zoning districts



Uses subject to review

Certain uses throughout the community



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 the conditions
- Specify submission requirements
- List local procedures
 - Public hearings not required by statute
- List elements or criteria for review

Examples of elements for review

- Relationship with adjacent uses
- Location & dimension of buildings
- Screening & landscaping
- Architectural features
- Proposed grades & contours
- Utilities
- Sewage & storm drainage
- Parking, access, traffic
- Lighting, signage

Only elements specified by governing board by law or ordinance

Review elements

Traffic impacts



Review elements

- Grading
- Utilities
- Erosion control
- Stormwater management



Review elements

Ingress & egress



Review elements

Parking & internal traffic patterns



Review elements

Pedestrian friendly

- ▣ Architectural features
- ▣ Building orientation
- ▣ Lighting



Review elements

Landscaping, buffering & snow storage



SEQR compliance

Review board must:

- Require EAF with application submission
 - Some site plans will be Type II actions
- Make determination of significance
 - If negative declaration, SEQR is concluded
 - If positive declaration, SEQR is not complete until draft EIS accepted for public review
- If EIS required, timelines are adjusted
- 14 day notice required if holding hearing on DEIS along with Site Plan hearing (if required)
- Must complete SEQR before making final decision

Procedural basics

- Public hearing
 - Not statutorily required, but could be required by local law
 - Held within 62 days from receipt of application
 - Notice mailed to applicant & county at least 10 days prior to hearing (GML 239-m)
 - Notice published in newspaper of general circulation at least 5 days prior to hearing
- Decision
 - Made within 62 days after close of hearing
 - Or after the date application received if no hearing
 - Filed with municipal clerk within 5 business days after decision rendered

County referrals GML §239-m

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

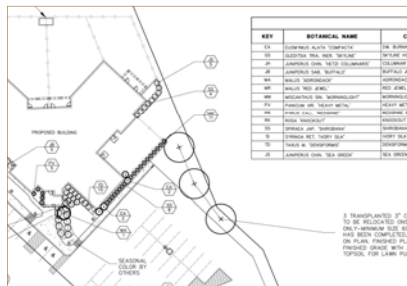
- Municipality
- State or county park or recreation area
- R-O-W of state or county road
- R-O-W of county-owned stream or drainage channel
- State or county land on which a public building is located
- Farm operation in a state agricultural district
 - Except for area variances

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 by mail or email to clerk of adjacent municipality at least 10 days prior to public hearing

Direct appeal

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



Waiver of requirements

Review board may waive submission or permit requirements if:

- Authorized by governing board
- Deemed not necessary 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



Ability to place conditions

□ "...directly related to and incidental to a proposed site plan"

□ For example: landscaping; drainage



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

Appeals

Review board decisions can be appealed to NYS Supreme Court in Article 78 proceeding



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/lg/lut/index.html