

*Welcome*  
*to the Fall 2021 Training*  
*Session for St. Lawrence*  
*County Municipal*  
*Planning Boards and*  
*Zoning Boards of Appeal*

# Agenda

- 7:00 – 7:05      Introductions and Overview of Agenda*
- 7:05 – 7:30      The Role of the Planning Board in reviewing Site Plans and Special Permits*
- 7:30 – 7:45      Tips for the ZBA in use and area variance deliberations*
- 7:45 – 7:55      County Planning Board Involvement*
- 7:55 – 8:25      Case Studies and Q and A*
- 8:25 – 8:30      Wrap-up and Additional Training Resources*

# Planning Board Overview

- Made up of 5-7 members of the public
- Functions determined by municipal board
- Usually this entails: site plans, special use permits (special exceptions), and subdivisions
- This can entail: Comprehensive plan development, zoning code revisions, special activities (solar laws, etc.)

# The Planning Board -- Site Plans

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."

# The Planning Board -- Site Plans

The role of the Planning Board is to approve, conditionally approve or deny site plans. In deliberating some things to keep in mind include:

1. Is the application complete?
  - Is it ready for review?
  - Fees submitted
  - Elements in local code met
  
2. Know the calendar
  - If a hearing is required when does it need to be held?
  - Action needs to be taken 62 days after submission if no hearing held
  - Is County Referral required? (County has 30 days to respond)

# The Planning Board -- Site Plans

## 3. What should a good site plan look like?

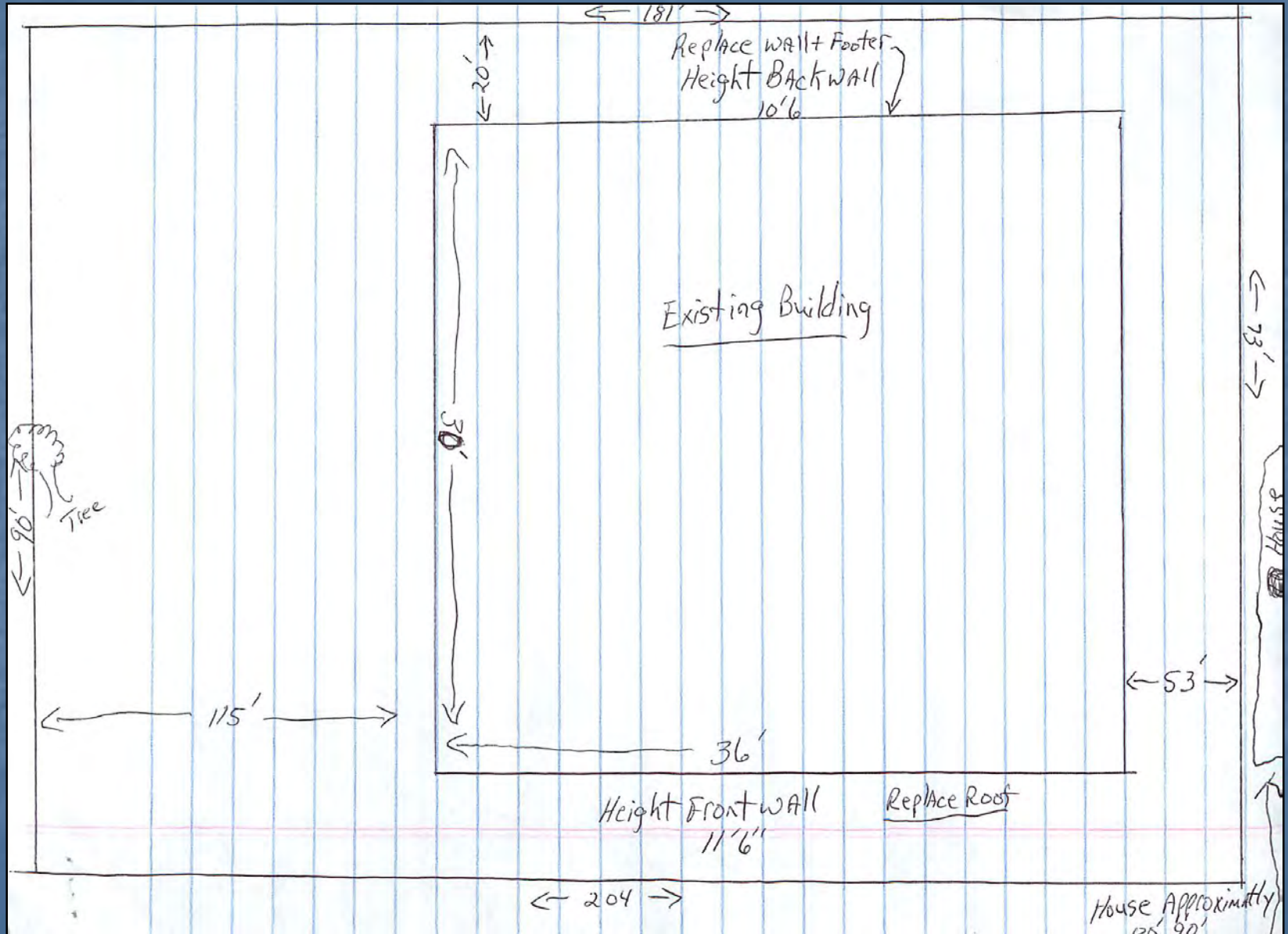
- ✓ Legal data (tax map #, owner name, date, north arrow, scale)
- ✓ Parking configuration
- ✓ Means of access (and egress)
- ✓ Screening and landscaping
- ✓ Signs
- ✓ Lighting
- ✓ Snow storage
- ✓ Location/dimension of buildings
- ✓ Adjacent land uses and features

# The Planning Board -- Site Plans

Other items that can be included:

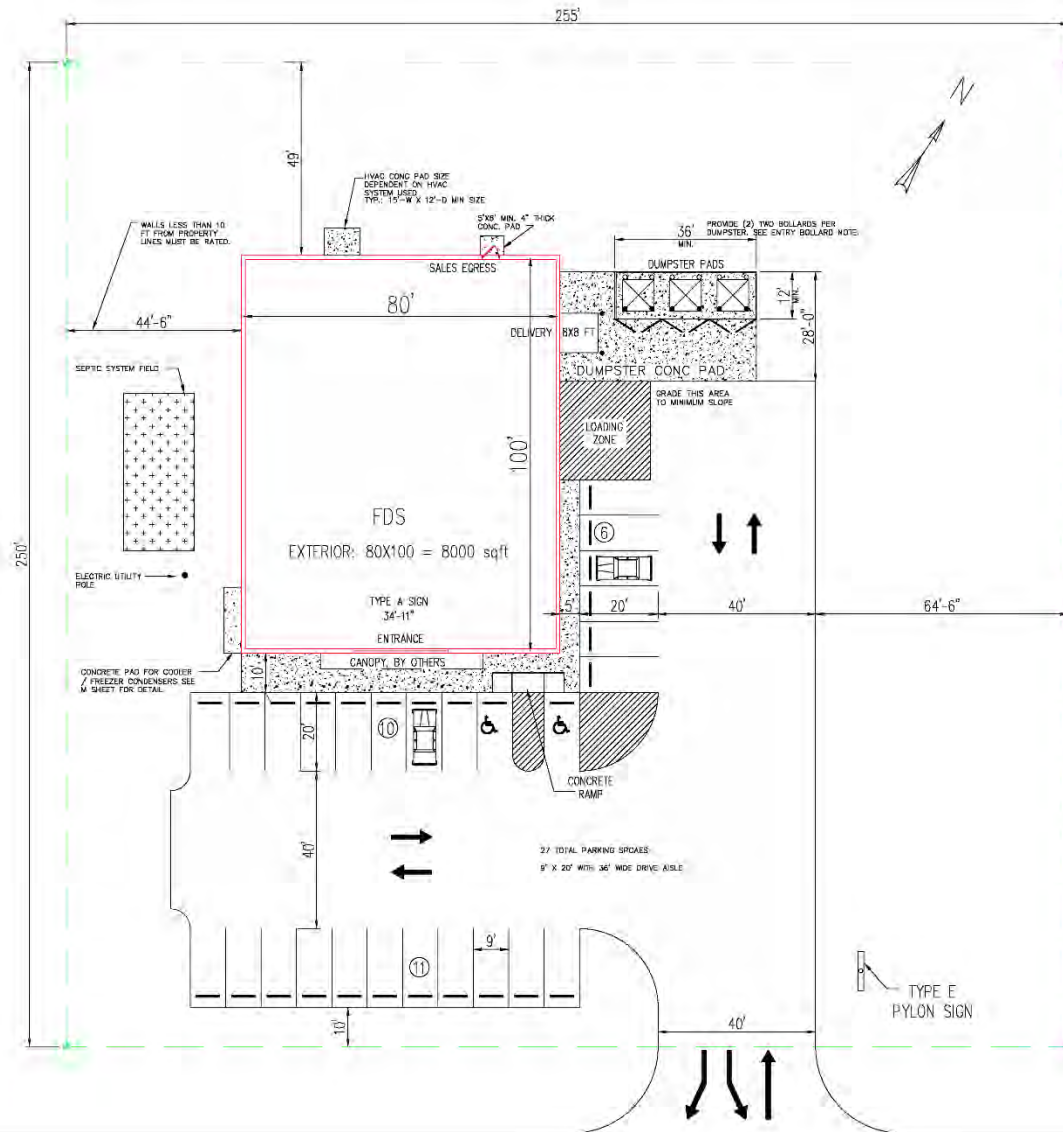
- ✓ Names of adjacent streets
- ✓ Existing zoning
- ✓ Natural features and boundaries (wetlands, flood planes, contours, wooded areas, rocks)
- ✓ Existing utilities (sewers, water, gas and power lines)
- ✓ Easements
- ✓ Existing fencing and buffering features
- ✓ Anything else the governing body may want to specify

# Site Plan Examples

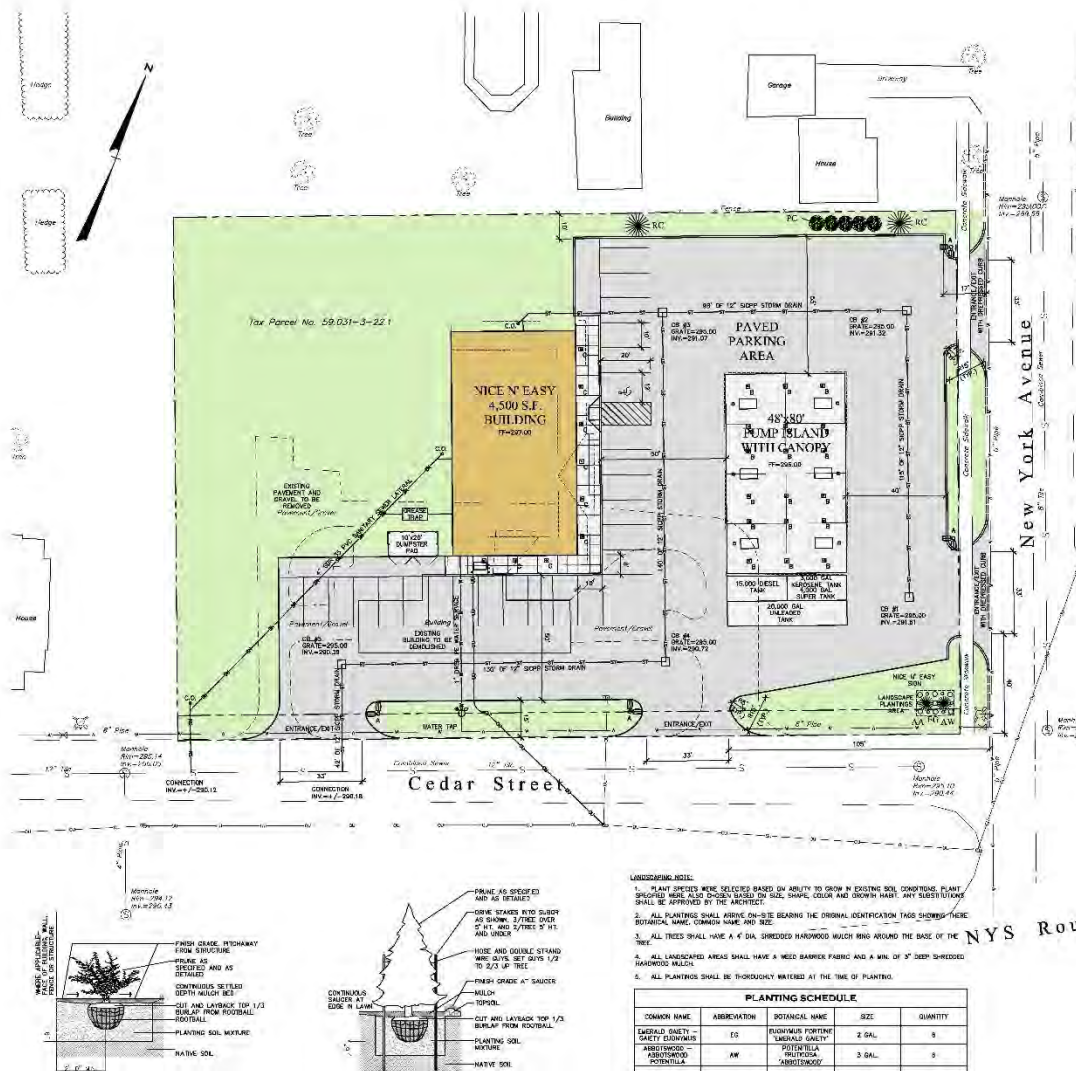




# Site Plan Examples



# Site Plan Examples



PLANNING DATA		
ZONING: B - BUSINESS		
ITEM	REQUIRED	PROPOSED
MIN. LOT AREA	5,300 sq'	56,800 sq'
MIN. FRONTAGE	55'	209'
MIN. LOT DEPTH	60'	314'
MAX. BLDG. HEIGHT	45'	<45'
MIN. FRONT SETBACK	15'	65'
MIN. SIDE SETBACK	---	45'
MIN. REAR SETBACK	---	111'
MAX. LOT COVERAGE	80%	148%
PARKING	1 PER 250 S.F.	18
	4,500 S.F. / 250 = 18	25
# OF HIC PARKING	1 TO 20 = 1	1
PARKING SPACES	10'-0" WIDE x 20'-0" LONG	



LIGHTING TABLE	
1	400 WATT METAL HALIDE CURVED LIGHT FIXTURE MOUNTED UNDER EAVES
2	400 WATT METAL HALIDE LIGHT FIXTURE MOUNTED UNDER EAVES
3	175 WATT METAL HALIDE LIGHT FIXTURE MOUNTED UNDER EAVES

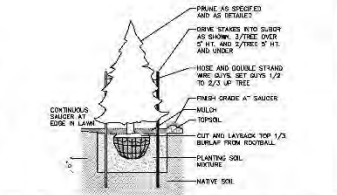
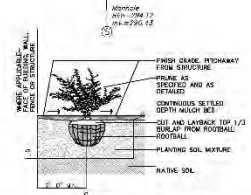
NOTES:

- UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS, AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHERS. THE EXISTENCE OF WHICH IS PRESUMED, NOT PROVEN. PRIOR TO CONSTRUCTION CONTACT THE SAFETY DEPARTMENT FOR THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES. (1-800-942-7892). CONTRACTOR IS RESPONSIBLE FOR LOCATING AND WORKING WITH THE APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
- THE TOPOGRAPHIC, UTILITY AND PLANNING SURVEY FOR THE PROJECT AREA HAS NOT YET BEEN COMPLETED. THE LOCATION AND ELEVATION OF EXISTING STRUCTURES, ROADS AND UTILITIES ARE APPROXIMATE. EITHER VERTICAL AND HORIZONTAL DATUM IS ASSUMED.

LEGEND	EXISTING	PROPOSED
1" CONTOUR	---	---
PROPERTY LINE	---	---
RIGHT OF WAY	---	---
SEWER	---	---
ZONING LINE	---	---
BUILDING	---	---
PARKING	---	---
CURB	---	---
WATERLINE	---	---
STREET LIGHT	---	---
SEWER MAIN	---	---
STORM SEWER	---	---
FOUNDATION	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
ELECTRIC	---	---
TELEPHONE	---	---
GAS	---	---
SEWER MAIN	---	---
SEWER BRANCH	---	---
SEWER FOREMAN	---	---
STORM SEWER	---	---
FOUNDATION	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
ELECTRIC	---	---
TELEPHONE	---	---
GAS	---	---
SEWER MAIN	---	---
SEWER BRANCH	---	---
SEWER FOREMAN	---	---
STORM SEWER	---	---
FOUNDATION	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
ELECTRIC	---	---
TELEPHONE	---	---
GAS	---	---
SEWER MAIN	---	---
SEWER BRANCH	---	---
SEWER FOREMAN	---	---
STORM SEWER	---	---
FOUNDATION	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
ELECTRIC	---	---
TELEPHONE	---	---
GAS	---	---

- LANDSCAPING NOTES:
- PLANT SPECIES WERE SELECTED BASED ON ABILITY TO GROW IN EXISTING SOIL CONDITIONS. PLANT SPECIES WERE ALSO SELECTION BASED ON SIZE, SHAPE, COLOR AND GROWTH HABIT. ANY SUBSTITUTIONS SHALL BE APPROVED BY THE ARCHITECT.
  - ALL PLANTINGS SHALL BE ON-SITE BEARING THE ORIGINAL IDENTIFICATION TAGS SHOWING TREE SPECIES, NAME, COMMON NAME AND SIZE.
  - ALL TREES SHALL HAVE A 4" DIA. SHREDED HARDWOOD MULCH RING AROUND THE BASE OF THE TREE.
  - ALL LANDSCAPED AREAS SHALL HAVE A WOOD BARRIER FENCING AND A MIN. OF 3" DEEP SHREDED HARDWOOD MULCH.
  - ALL PLANTINGS SHALL BE THOROUGHLY WATERED AT THE TIME OF PLANTING.

COMMON NAME	ABBREVIATION	POTENTIAL NAME	SIZE	QUANTITY
EMERALD SAFFRON - TARTLY EDWARDS	ED	EMERALD SAFFRON TARTLY EDWARDS	2 GAL.	9
ARBOREAL POTENTIALIA	AK	POTENTIALIA ARBOREALIS	2 GAL.	9
PROVET - CHEYENNE	PC	LEUCOSPORA VILLOSA	2 GAL.	3
EASTERN RED CEDAR	RC	JUNIPUS VIRGINIANA	7'-8" B.B.	2
ARBOREAL - MEDICINA	AA	TRILIA OCCIDENTALIS	3'-4" B.B.	2



3 SHRUB PLANTING DETAIL NOT TO SCALE  
2 EVERGREEN TREE PLANTING DETAIL NOT TO SCALE

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

PRELIMINARY  
NOT FOR CONSTRUCTION

**AUBERTINE CURRIER**  
ARCHITECTS, ENGINEERS & LANDSCAPE ARCHITECTS, P.L.L.C.

518 Barclay Street  
Watertown, New York 13801

aubertinecurrier.com

Phone: (315)782-2005  
Fax: (315)782-1472

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PROCESSED UNDER THE STATE OF NEW YORK'S PROFESSIONAL ENGINEERING AND ARCHITECTURE LAW. THIS PLAN IS A PRELIMINARY SITE PLAN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

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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 OGDENSBURG, ST. LAWRENCE COUNTY, NEW YORK**

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PRELIMINARY  
 SITE PLAN  
C1

# Planning Humor Interlude

LULU - Locally unwanted land uses

YIMBY - Yes in my backyard

NIMBY - Not in my backyard

NOPE - Not on planet earth

BANANA - Build absolutely nothing anywhere near anything

CAVEs - Citizens against virtually everything

# Special Use Permits

SUP 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

The calendar is important to keep in mind for SUPs as well – public hearings are required within 62 days of submission and a decision 62 days after the hearing

County review may be necessary

# Conditions of Approval

- Site plans and special permits can have conditions attached
- **Condition:** A requirement or qualification that is attached to the approval of a project. Must be satisfied before issuing a building permit or certificate of occupancy.
- **The goal is to balance the applicant's** development interest and protecting the community from adverse impacts



# Limitations to Conditions

- They must be rational, reasonable, and related to the project in question
- They must relate to the “use and not the user” and cannot regulate “details of the operation.”

# Planning Humor Interlude



# Zoning Board of Appeals (ZBA) Overview

- ZBA is appointed by the municipality and is made up of 3 or 5 members
- If a standard zoning code has been adopted, a ZBA must be established
- The ZBA decides on use and area variances and offers interpretations (municipal boards can't retain this power)

# Use & Area Variances

- Occurs in communities with zoning
- Applicant seeking an exception from the rule:
  - Establish a use that isn't allowed (use variance)
  - A reduction in a dimensional requirement (area variance)
- Provides relief from strict application of the law

# Zoning Board of Appeals

- Variances granted by a ZBA
- Can also conduct interpretations if an applicant and CEO disagree on understanding of definition or regulation
- The ZBA does not review Planning Board decisions!

# Use Variances

Property must demonstrate hardship by satisfying each of the legal tests:

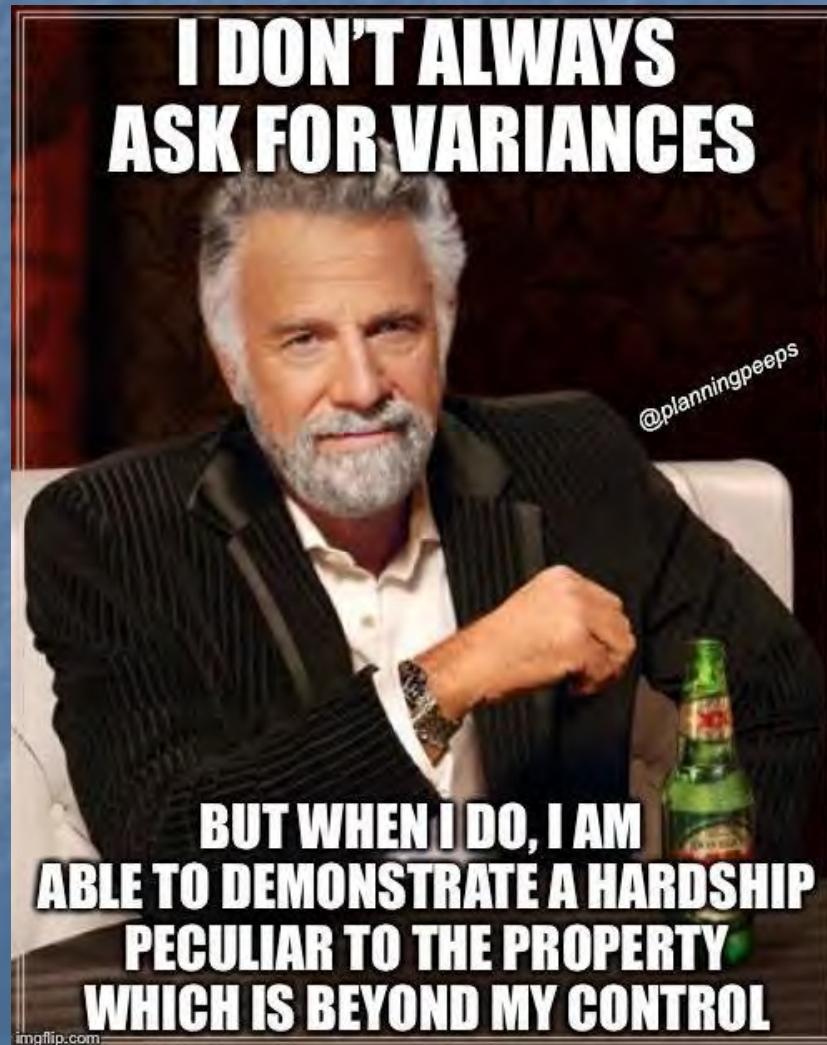
- No reasonable return on the property
- Hardship is unique
- Will not alter essential character of neighborhood
- Hardship is not self-created

# Area Variances

Examine balance of interest through five considerations:

- Undesirable change to neighborhood
- Can an alternative be achieved
- Whether variance is substantial
- Negative impacts to environment
- Is hardship self-created

# Planning Humor Interlude





# County Planning Board Involvement

GML Section 239m/n:

If a county planning agency or regional planning council exists, application materials must be referred *before* taking final action on the proposal.

# Decision Making Authority

The County Planning Board:

- Has the authority to approve, conditionally approve or deny projects for which it has jurisdiction
- Must act within 30 days of complete application submission date
- County decision can be over-ruled at the local level with a majority-plus-one vote

# What is Referred

## GML Section 239m/n:

- (i) adoption or amendment of a comprehensive plan
- (ii) adoption or amendment of a zoning ordinance or local law;
- (iii) issuance of special use permits;
- (iv) approval of site plans;
- (v) granting of use or area variances; and
- (vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

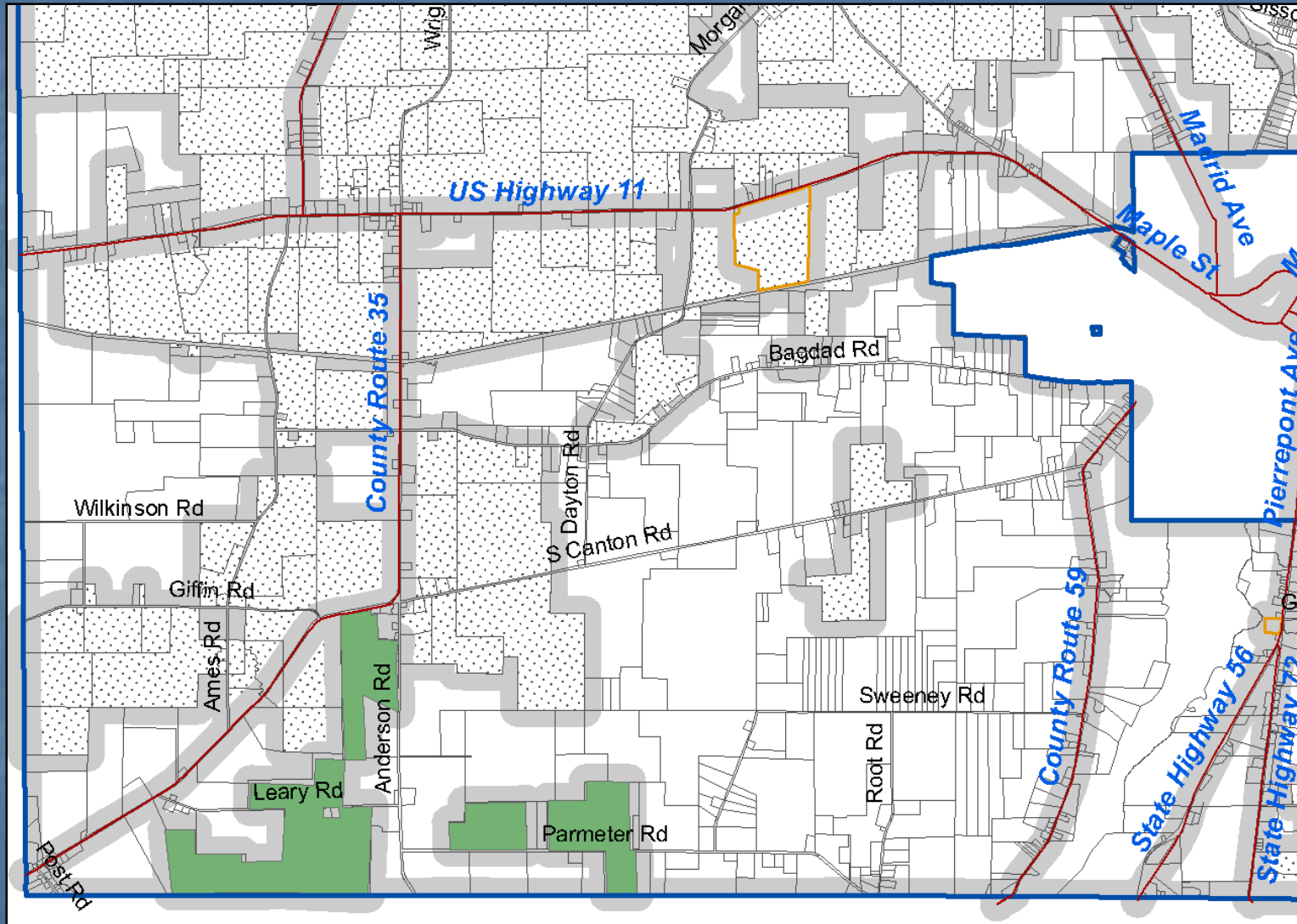
- Subdivisions

# Features that Trigger Referral

Within 500' of:

- Municipal boundary;
- County/State park or recreation area;
- County/State road or right of way;
- County stream or drainage channel;
- County/State land with public facility;
- A farm operation in an Ag District

# Project Referral Maps



<https://stlawco.org/Departments/Planning/ProjectReferralMaps>

# Case Studies

- Planning Boards:
  - Site Plan
  - Special Use Permit
- Zoning Boards of Appeal:
  - Area Variance
  - Use Variance

# Site Plan Case Study

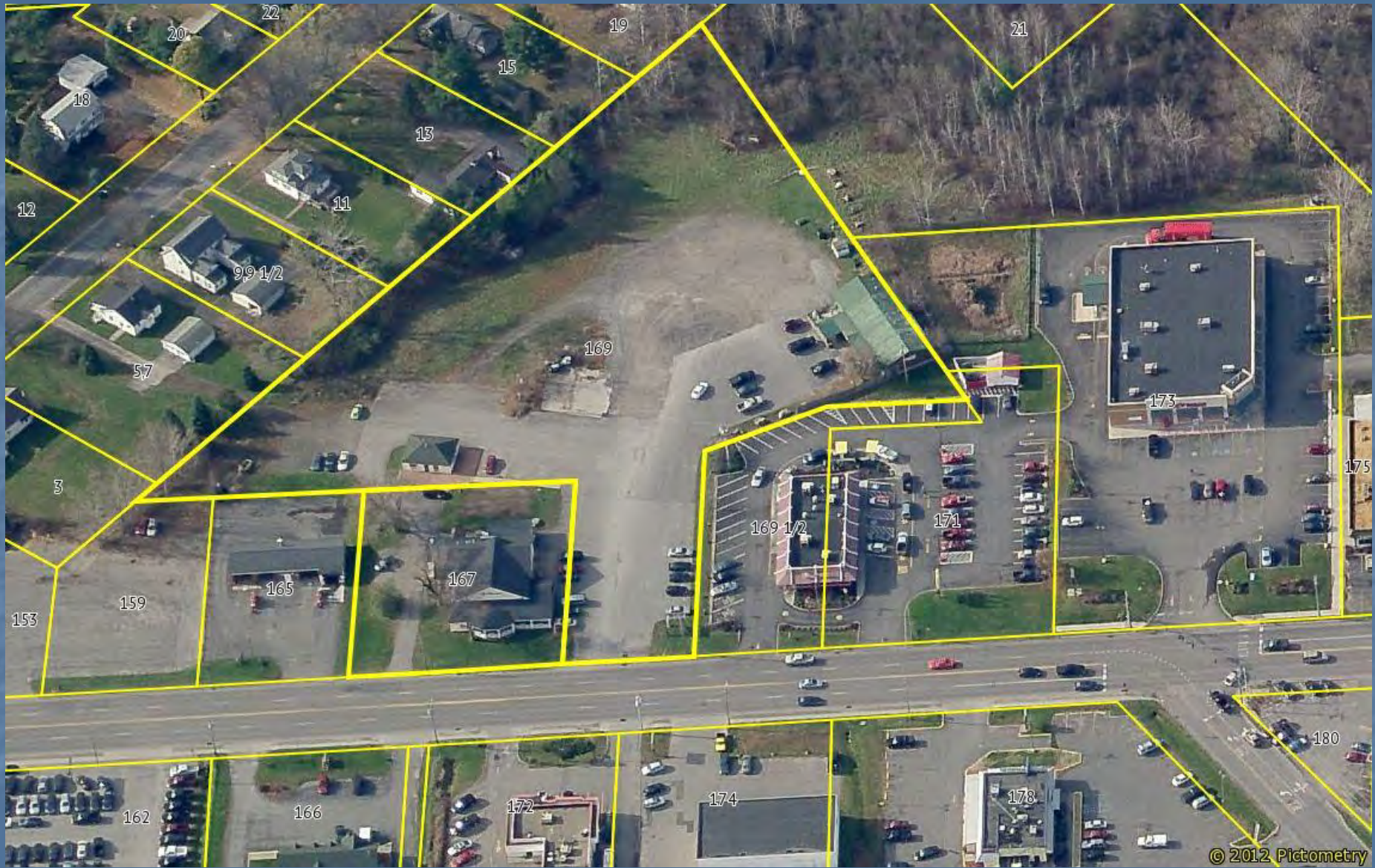
- Applicant proposes to construct an 18,424 sq. ft. 3 story, 97 room hotel
- The hotel is located in a B-1 zone and is permitted after site plan review
- All fees have been paid and the application is complete and ready for review at your next meeting

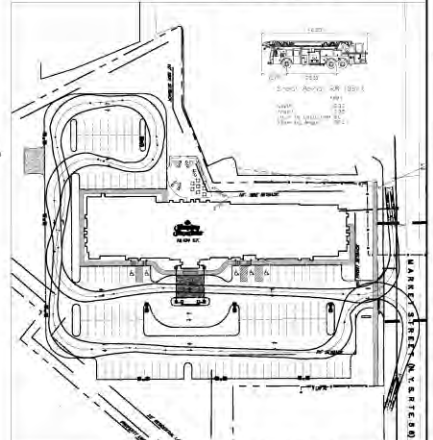
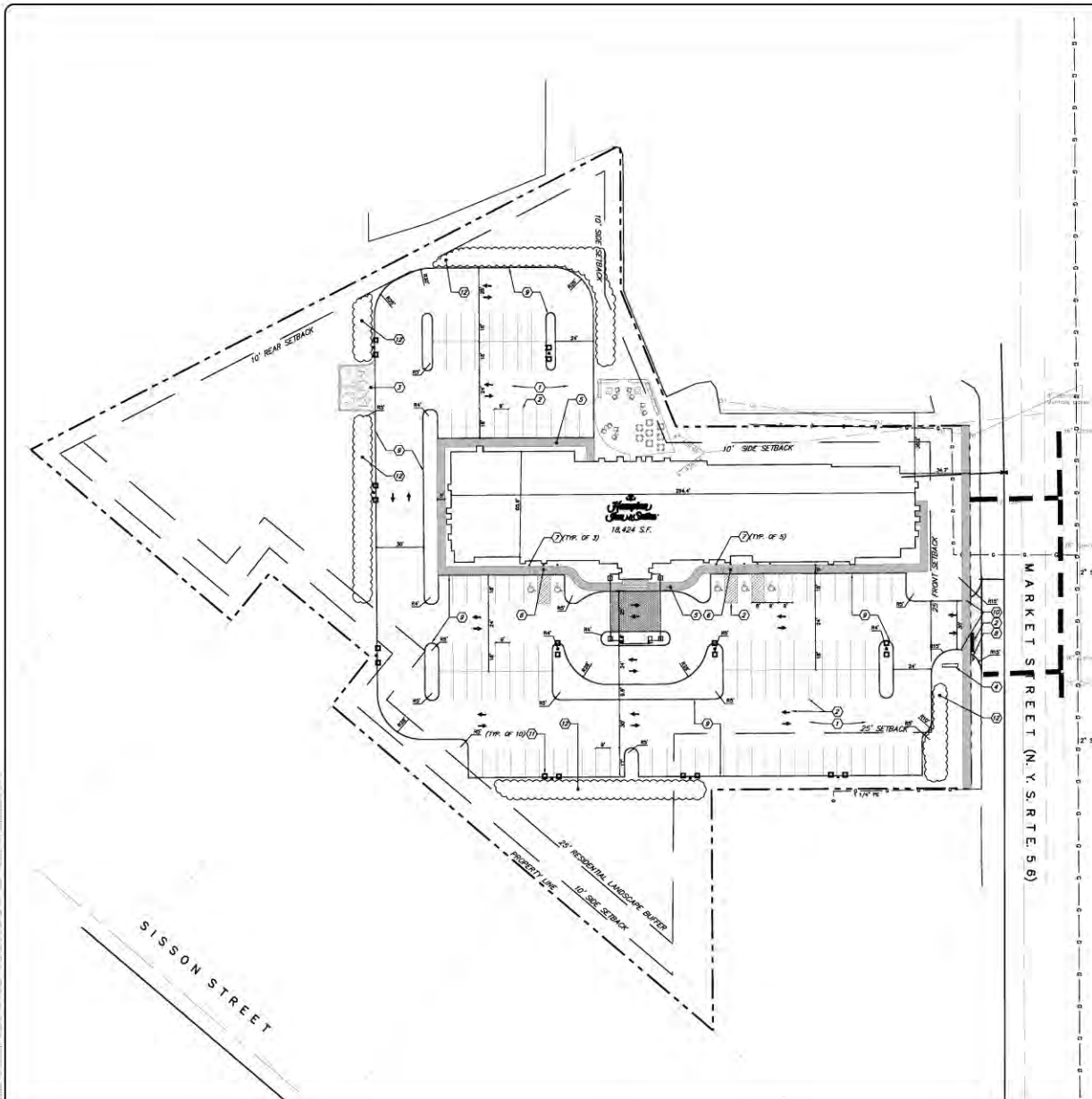
# Site Plan Case Study

Site considerations may include:

- Internal circulation (a study suggested internal access roads to provide secondary entrances for uses in the B-1 zone be considered)
- Pedestrian access
- Snow storage
- Parking (112 spaces are required)
- Lighting







### ZONING REGULATIONS FOR DEVELOPMENT

<b>ZONING DISTRICT:</b> R40	<b>TAX MAP #:</b> 66-042-A-11 146 MAP # 88-042-A-11	<b>SITE AREA:</b> 2.85 ACRES 524,100 S.F.
<b>REQUIREMENTS:</b> MINIMUM PERMITTED STRUCTURE: COVERAGE MINIMUM STRUCTURAL COVERAGE MINIMUM BUILDING HEIGHT PROPOSED BUILDING HEIGHT	<b>SUBDISTRICT:</b> (B) HOTEL, BUSINESS/TOURISM -SITES NOT RECREATIONAL OR SINGLE-FAMILY USE	<b>HEIGHT:</b> 10 ft <b>AREA:</b> 10 ft <b>PIEDMENT:</b> 25 ft BUFFER
<b>REQUIRED PARKING SPACES:</b> REQUIRED PARKING SPACES REQUIRED HANDICAP SPACES REQUIRED BIKE SPACES	<b>REQUIRED SIDEWALK:</b> 3'-0" WIDE 1'-2" SPACES 1'-6" SPACES 8 SPACES	<b>REQUIRED SIDEWALK AREA:</b> 9'-0" WIDE
<b>REQUIRED SIDEWALK:</b> 3'-0" WIDE	<b>REQUIRED SIDEWALK AREA:</b> 9'-0" WIDE	<b>NOT TO EXCEED:</b> 1 BF FOR EACH FT OF LINER PERMITS ALONG EACH STREET OCCURRED BY SUE USE OR BUILDING
		<b>ONE OR MORE DRIVEWAYS MUST BE MORE THAN 30 FEET FROM EACH STREET OR A 30-FOOT SIDE BUILDING OR USE HAS PROVISION</b> MAXIMUM 20' HEIGHT

- KEYNOTES**
- 1 ASPHALT PAVEMENT
  - 2 ASPHALT DRIVEWAYS & DRIVEWAYS
  - 3 COMBINATION STONE BLOCK ENCLOSURE ON CONCRETE PAD
  - 4 ENTRANCE SIGN
  - 5 CONCRETE SIDEWALK
  - 6 ACCESSIBLE CURB RAMP
  - 7 ACCESSIBILITY INGRANITE (N.Y.S. 19-150)
  - 8 "STOP" SIGN (6" X 18")
  - 9 CONCRETE CURBING AT INTERSECTION
  - 10 GRANITE CURBING FOR RAMP AT MARKET ST INTERSECTION
  - 11 LIGHT HOLES, REFER TO HYDROGRAPHIC PLAN
  - 12 SIGN STORAGE AREAS

1. THE CONTRACTOR SHALL OBTAIN A PERMIT FROM NYSDOT FOR UTILITY AND NON-UTILITY WORK AT MARKET STREET INTERSECTION.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL CONTRACTOR ASSOCIATED PERMITS AND FEES FROM THE STATE OF NEW YORK, NYSDOT, LOCAL GOVERNMENTS, ETC. AND ALL OTHER RELATED AGENCIES.

NO.	DATE	BY	REVISION



**Potsdam Hotel Associates LLC**  
362 E. 2nd Street  
Cortland, NY 14830

**CHA**  
CHARTERED SURVEYOR  
441 South Union Street, Cortland, NY 14830  
Tel: 607/753-1885 | Fax: 607/753-1886  
www.chasurveyors.com

PROPOSED HAMPTON INN AND SUITES HOTEL,  
100 MARKET STREET,  
VILLAGE OF POTSDAM, STATE OF NEW YORK

**LAYOUT PLAN**

Date: 05/01/22, Project: 212, Scale: AS SHOWN



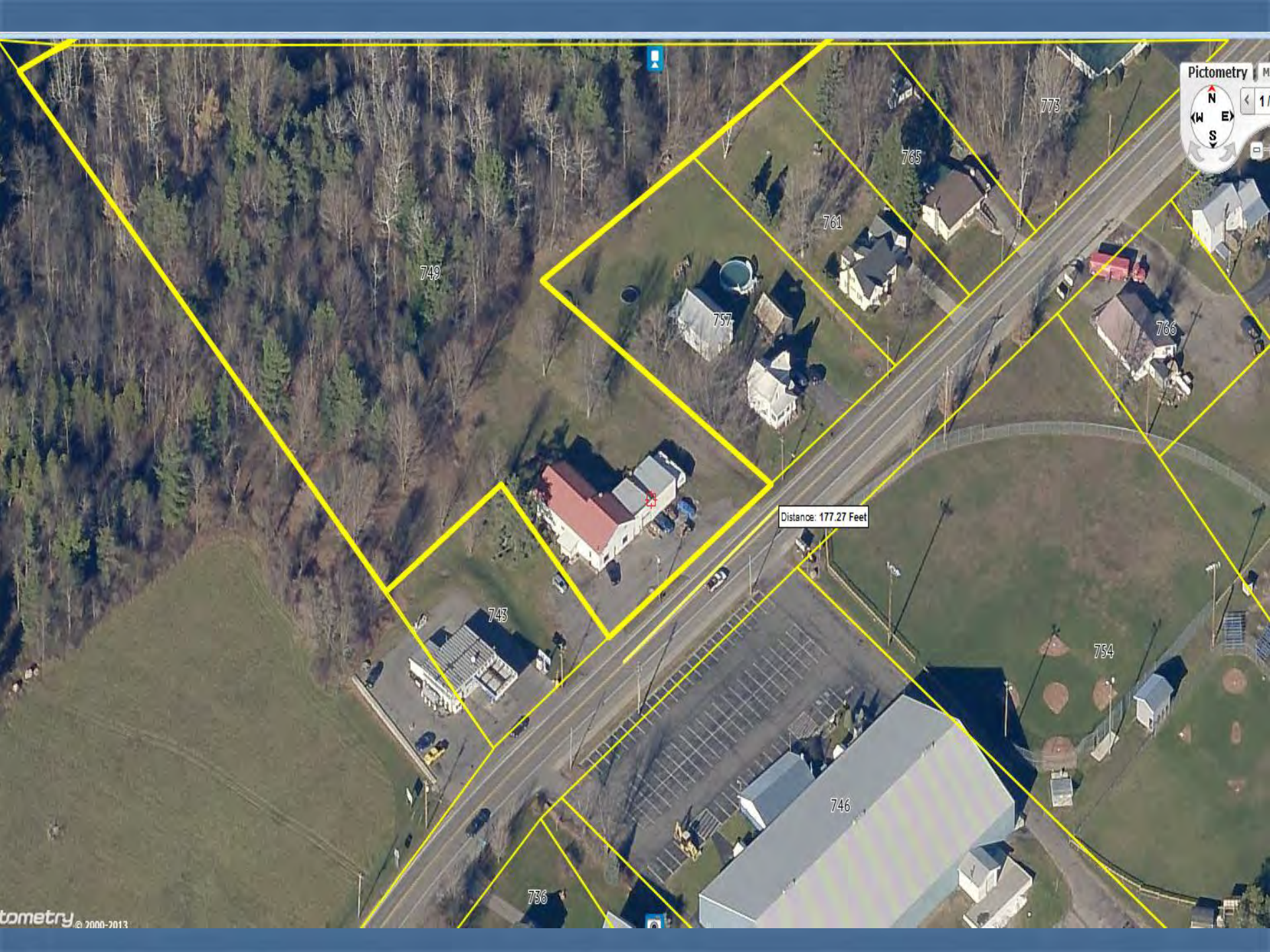
# Special Use Permit Case Study

- Applicant proposes to reuse an existing repair garage for an ATV and Snowmobile repair shop
- Applicant has submitted all paperwork and job of the Planning Board is to ensure that applicant meets specific standards

# Special Use Permit Case Study

## Specific Standards

- 1 acre minimum lot size
- 150 feet of lot frontage
- Use must be 200 feet away from any lot occupied by a residence, school, religious institution, hospital
- Bulk fuel storage must meet state regs and be at least 35 feet from any property line
- No exterior storage of dismantled vehicles is permitted for a period of more than 10 days
- No exterior storage of disabled vehicles is permitted for a period of more than 30 days



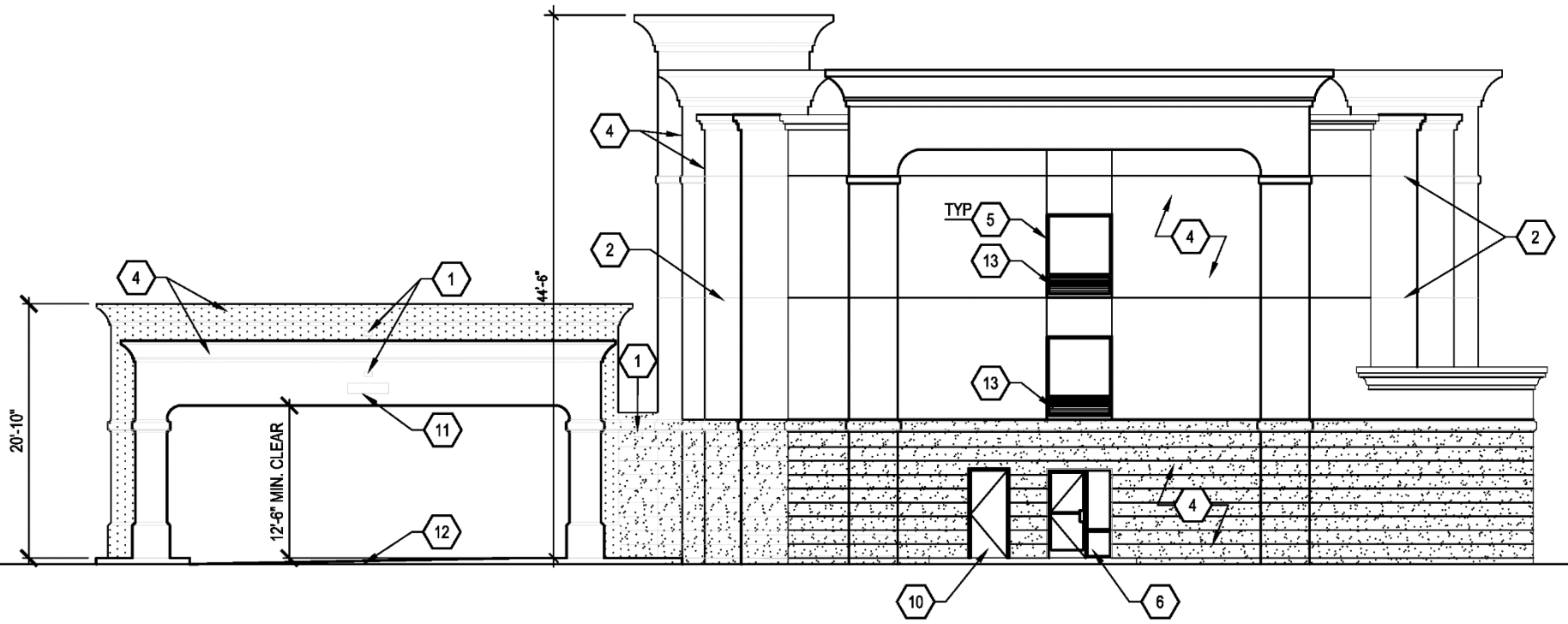
Pictometry M

1

Distance: 177.27 Feet

# Area Variance Case Study

- Applicant is seeking area variance to exceed maximum height limit by 4' 6"
- Max height in B-1 zone: 3 stories or 40'
- Hotel parapet will reach 44' 6"



## SIDE ELEVATION

SCALE : 1/8" = 1'-0"



# Use Variance Case Study

- Applicant seeking a use variance to allow 5-unit apartment building with ground floor apartments
- Building is a former hotel
- Located in the Commercial-Highway zone

# The Property

- Three-story building
  - If approved: 2 apts on ground floor, 2 apts on 2<sup>nd</sup> floor, 1 apt on 3<sup>rd</sup> floor
- Commercial-Highway zone: Areas appropriate for heavy commercial & light industrial uses.
- 4-Unit dwellings allowed via SUPs

NY-56

ondville, New York

Google

Street View - Sep 2018



Google

Image capture: Sep 2018 © 2021 Google United States

# The Neighborhood

Surrounding uses:

- Single family residences, auto repair shop, trucking terminal, and public park

Ground floor apartments prohibited by Town Board



# Other Training Resources

- [Ecode360 Code Library: www.generalcode.com/library/](http://www.generalcode.com/library/)
- <https://maps.dancgis.org/ima/>
- <https://dos.ny.gov/training-courses>
- [https://dos.ny.gov/events?f%5B0%5D=filter\\_term%3A2716](https://dos.ny.gov/events?f%5B0%5D=filter_term%3A2716)
- <https://www.stlawco.org/Departments/Planning/ProjectReferralMaps>
- <https://www.stlawco.org/Departments/Planning/PlanningResources>

County Planning Office

315-379-2292

Planning@stlawco.org

[www.stlawco.org/Departments/Planning](http://www.stlawco.org/Departments/Planning)