

Spring Land Use Training Session -- 2024

Agenda

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|-------------|---|
| 6:30 – 6:35 | Introductions and overview of agenda |
| 6:35 – 6:45 | Meetings vs Hearings -- what's the difference? |
| 6:45 – 7:00 | Which Board has what jurisdiction and authority |
| 7:00 – 7:15 | Site Plan Elements |
| 7:15 – 7:25 | Pro-housing Communities |
| 7:25 – 7:35 | Break |
| 7:35 – 8:10 | Case Study introduction and deliberation |
| 8:10 – 8:25 | Reports from groups |
| 8:25 – 8:30 | Wrap-up |

Meeting versus Hearings

- Both subject to open meetings law
- Decisions can be made at meetings – not at hearings
- Meetings should be held on a regular basis, hearings as needed
- Specific date and time notices are needed for hearings, meetings can be noticed all at once
- Special use permits, subdivisions, area and use variances require hearings, site plans do not

Meeting versus Hearings

- Special Use Permit – Hearing must be held with 62 days of date application received – decision within 62 days of hearing (unless extension mutually agreed upon).
- Subdivisions – Hearing must be held within 62 days of date final plat is received – Hearing must be closed with 180 days of being opened. Final decision must be made within 62 days of hearing closure
- Use and Area Variances – Hearing must held within a “reasonable time” of appeal request – decision within 62 days of hearing (unless extension mutually agreed upon).
- SEQOR can modify timeframes
- Hearing needs to be advertised at least 5 days in advance of meeting (Check local regs).

Which Board has What Jurisdiction and Authority?

Planning Boards, Zoning Boards of Appeals, Town/Village Boards

What statutes give these boards authority?

- NYS General City Law
- NYS Town Law
- NYS Village Law
- General municipal Law
- NYS Municipal Home Rule Law

Town/Village Boards

- Otherwise known as the “local governing board”
- Establishes much of the policy, financial, and ethical framework
- Grants authority for Planning Boards and ZBAs

Town/Village Boards

- Do not typically govern land use decisions
- Delegate review to Planning or Zoning Boards
- Control certain aspects of the municipality
 - Finances,
 - Property (for use by the municipality),
 - Municipal facilities,
 - Etc.

Planning Board Powers - Regulatory

- Granted regulatory powers by state statute or local governing board
- The only regulatory power specifically delegated to planning boards is the review of subdivision plats
- Other powers may be delegated to the planning board, but only if the local governing board specifies the extent to which the planning board may exercise these powers
 - Site plan review, special use permits, etc.

Planning Board Powers - Advisory

- Can offer advice on the following:
 - Comprehensive plans and plan amendments,
 - Land use regulations,
 - Land use studies, maps, reports,
 - Capital budgets,
 - Proposed actions by other boards,
 - Area variance requests
- Subdivision definition from NYS Town Law:
 - “the division of any parcel of land into a number of lots, blocks or sites as specified in local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership or development.”

Zoning Boards of Appeals

- Authority to grant relief from zoning law
- Board acts as a “safety valve” to prevent zoning laws from being overly strict
- Granted two appellate functions:
 - Review of use and area variance applications,
 - Render interpretations of the zoning laws

Zoning Boards of Appeals

- Can have original jurisdiction granted by local governing board
 - Review of site plans, special use permits, etc.
- Communities with zoning laws MUST have ZBAs
- Without a ZBA, communities have no zoning relief mechanism

Conclusion

- Planning Boards and ZBAs have whatever authority their local governing board grants them
- They can't have more authority than what state statutes allow
- Any municipality can be different from another

Site Plan Elements

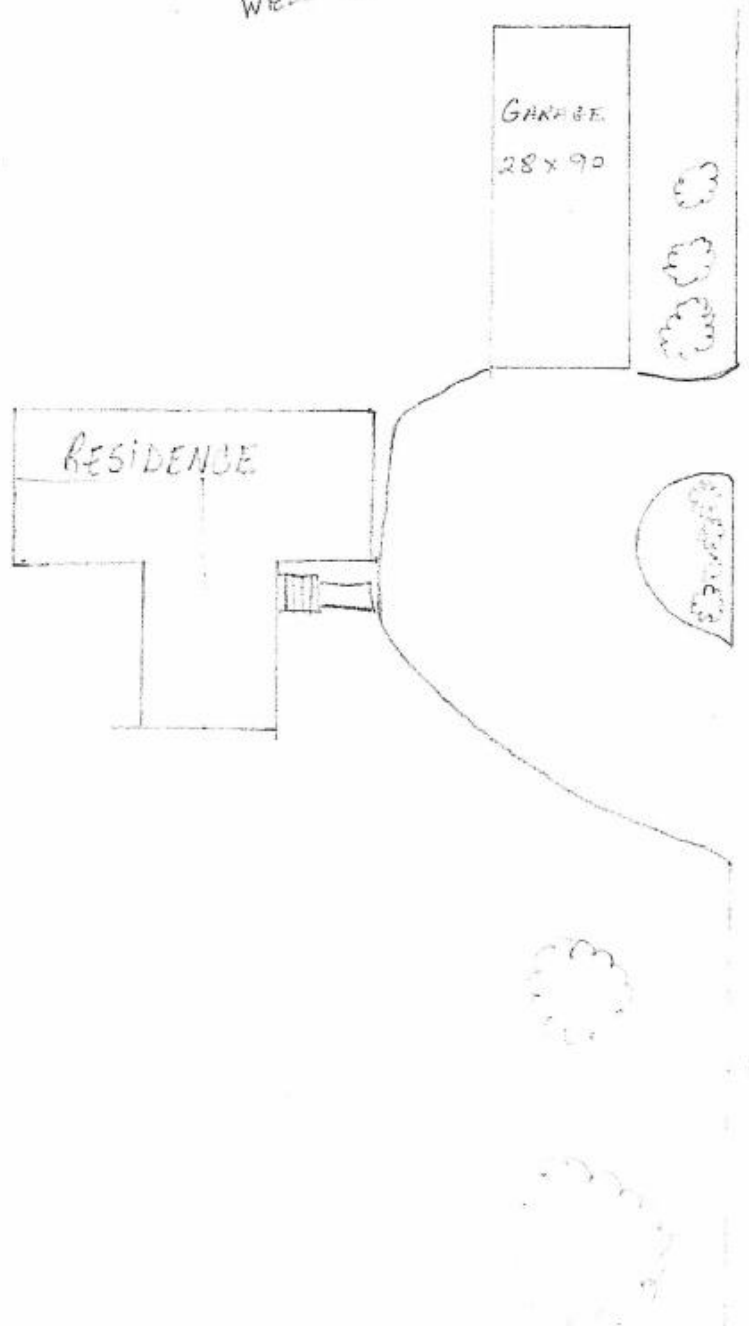
- A site plan is a drawing of a proposed use on a parcel
- Shows arrangement, layout and design
- Demonstrates compliance with land use regulations
- Public hearing is optional

Common Site Plan Elements to Consider

- Access
- Wetlands
- Setbacks
- Elevation contours
- Drainage
- Snow storage
- Bulk and height
- Parking
- Traffic circulation
- Lighting
- Landscaping
- Existing utilities

Also should have: scale, north arrow, legend, locator map, title block

WELL O



BUILDING
 APPROX
 15' FROM
 DRIVE

All
 FIELD →

6' high CHAIN-
 LINK FENCE



APPROX.
 500' to
 RT. 11

All
 FIELD →

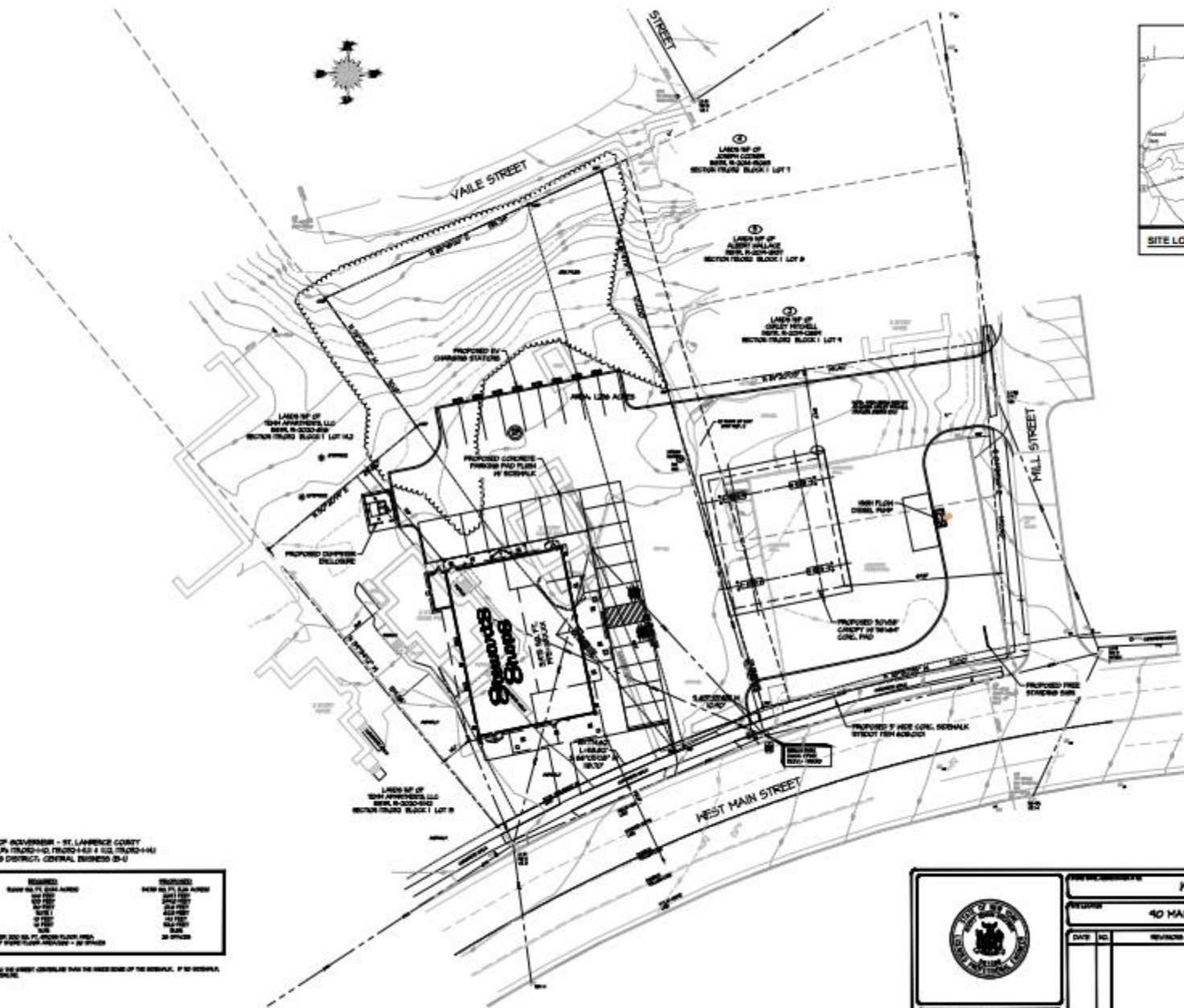
DRIVEWAY

LEGEND:

- 1.00' SIDE WALK
- 2.00' SIDE WALK
- 3.00' SIDE WALK
- 4.00' SIDE WALK
- 5.00' SIDE WALK
- 6.00' SIDE WALK
- 7.00' SIDE WALK
- 8.00' SIDE WALK
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- 42.00' SIDE WALK
- 43.00' SIDE WALK
- 44.00' SIDE WALK
- 45.00' SIDE WALK
- 46.00' SIDE WALK
- 47.00' SIDE WALK
- 48.00' SIDE WALK
- 49.00' SIDE WALK
- 50.00' SIDE WALK



SITE LOCATION PLAN: 1"=2000'



VILLAGE OF GOVERNOR - ST. LAWRENCE COUNTY
 TAX MAP 84/131/10-100 (2010-101) & (2010-102-104)
 ZONING DISTRICT: GENERAL BUSINESS 20-U

REQUIRED	PROVIDED
FRONT SETBACK	15.00 FT. SIDE WALK
REAR SETBACK	10.00 FT.
LEFT SIDE WALK	5.00 FT.
RIGHT SIDE WALK	5.00 FT.
FRONT YARD	5.00 FT.
REAR YARD	5.00 FT.
FRONT SETBACK	5.00 FT.
REAR SETBACK	5.00 FT.
FRONT SETBACK	5.00 FT.
REAR SETBACK	5.00 FT.
FRONT SETBACK	5.00 FT.
REAR SETBACK	5.00 FT.
FRONT SETBACK	5.00 FT.
REAR SETBACK	5.00 FT.
FRONT SETBACK	5.00 FT.
REAR SETBACK	5.00 FT.

NOTES:
 1. SETBACK FRONT SHALL BE 5.00 FT. TO THE STREET CENTERLINE FROM THE INSIDE SIDE OF THE SIDEWALK. IF NO SIDEWALK, 5.00 FT. FROM THE STREET CENTERLINE.

	VILLAGE OF GOVERNOR - 237		
	40 MAIN STREET - GOVERNOR, NY 13642		
DATE:	NOV 14, 2023	REVISION:	
DRAWN BY:	SEC	SCALE:	1" = 20'
CHECKED BY:	SEC	DATE:	4-8-23
PROJECT NO.:		DATE:	
FILE:	PROPOSED SITE PLAN		

Pro-Housing Communities Program

- Lack of affordable housing Statewide reason for creation
- Pro-housing certification needed for eligibility in various State funding programs (Downtown Revitalization Initiative {DRI}, NY Forward Program, New York Main Street).
- Certification requirements include: Governing body passing resolution/Zoning map and zoning code submission/housing building permit info from 2018-2022
- Towns may reach out to Planning Board and Zoning Boards to prepare information for certification
- Website: <https://hcr.ny.gov/phc>

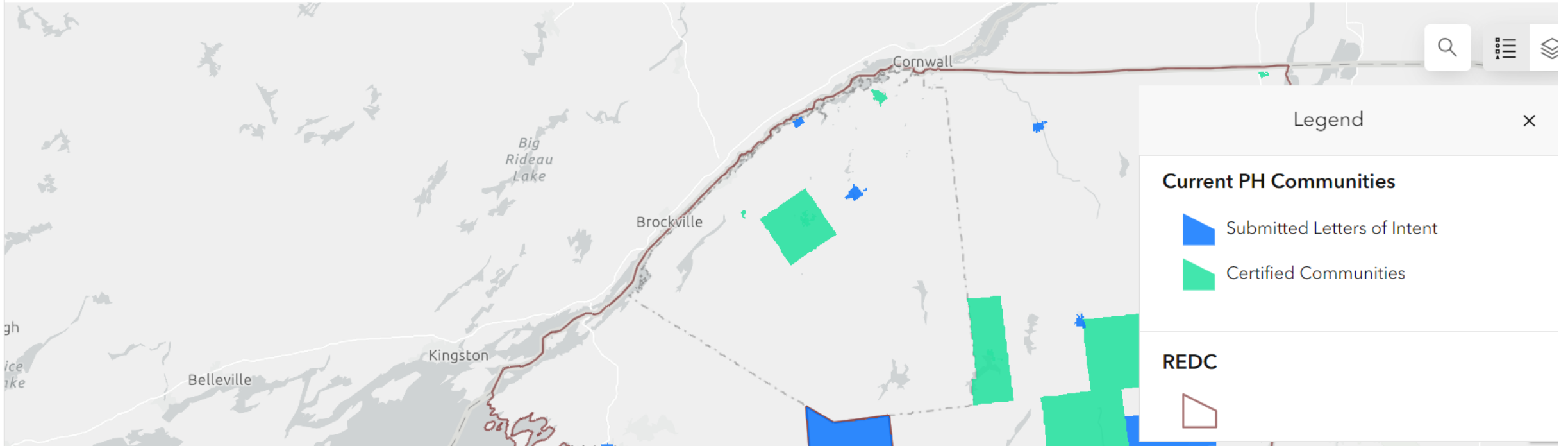
Pro-Housing Communities Program

Pro-Housing Communities Update

County
St Lawrence

Select a category
All NYS

Location of Pro-Housing Communities



Local Case Studies Exercise

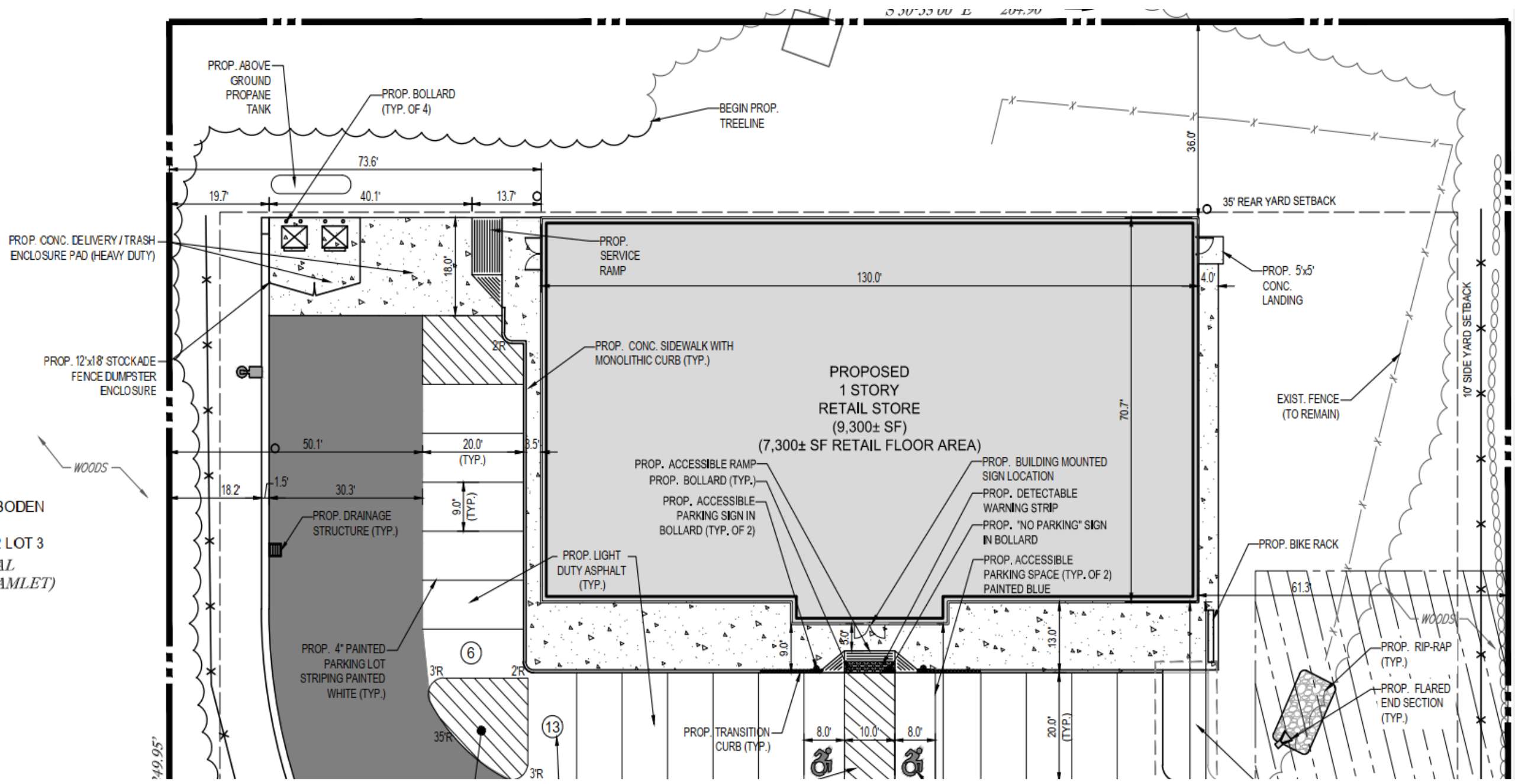
Special Use Permit & Area Variance

Special Use Permit – Colton Dollar General

- 9,300 square foot building footprint
- 29 parking spaces; two are ADA van accessible
- Free-standing sign and dumpster
- Lighting provided on building-mounted fixtures
- Storm water management areas are located beneath the parking lot

Surrounding Land Uses and Zoning

- Residential Uses in proximity
- Colton-Pierrepoint Central School
- Located in the Colton Hamlet (CH) zone
- Referable to the County due to the parcel's proximity to SH 56



PROP. ABOVE-GROUND PROpane TANK

PROP. BOLLARD (TYP. OF 4)

BEGIN PROP. TREELINE

73.6'

19.7'

40.1'

13.7'

36.0'

35' REAR YARD SETBACK

PROP. CONC. DELIVERY/TRASH ENCLOSURE PAD (HEAVY DUTY)

PROP. SERVICE RAMP

130.0'

PROP. 5'x5' CONC. LANDING

PROP. 12'x18' STOCKADE FENCE DUMPSTER ENCLOSURE

PROP. CONC. SIDEWALK WITH MONOLITHIC CURB (TYP.)

PROPOSED 1 STORY RETAIL STORE (9,300± SF) (7,300± SF RETAIL FLOOR AREA)

EXIST. FENCE (TO REMAIN)

10' SIDE YARD SETBACK

WOODS

50.1'

20.0' (TYP.)

8.5'

18.2'

1.5'

30.3'

PROP. DRAINAGE STRUCTURE (TYP.)

9.0' (TYP.)

PROP. ACCESSIBLE RAMP
PROP. BOLLARD (TYP.)
PROP. ACCESSIBLE PARKING SIGN IN BOLLARD (TYP. OF 2)

PROP. BUILDING MOUNTED SIGN LOCATION
PROP. DETECTABLE WARNING STRIP
PROP. "NO PARKING" SIGN IN BOLLARD
PROP. ACCESSIBLE PARKING SPACE (TYP. OF 2) PAINTED BLUE

PROP. LIGHT DUTY ASPHALT (TYP.)

PROP. BIKE RACK

BODEN LOT 3 (AL AMLET)

PROP. 4" PAINTED PARKING LOT STRIPING PAINTED WHITE (TYP.)

3R

6

13

PROP. TRANSITION CURB (TYP.)

8.0'

10.0'

8.0'

20.0' (TYP.)

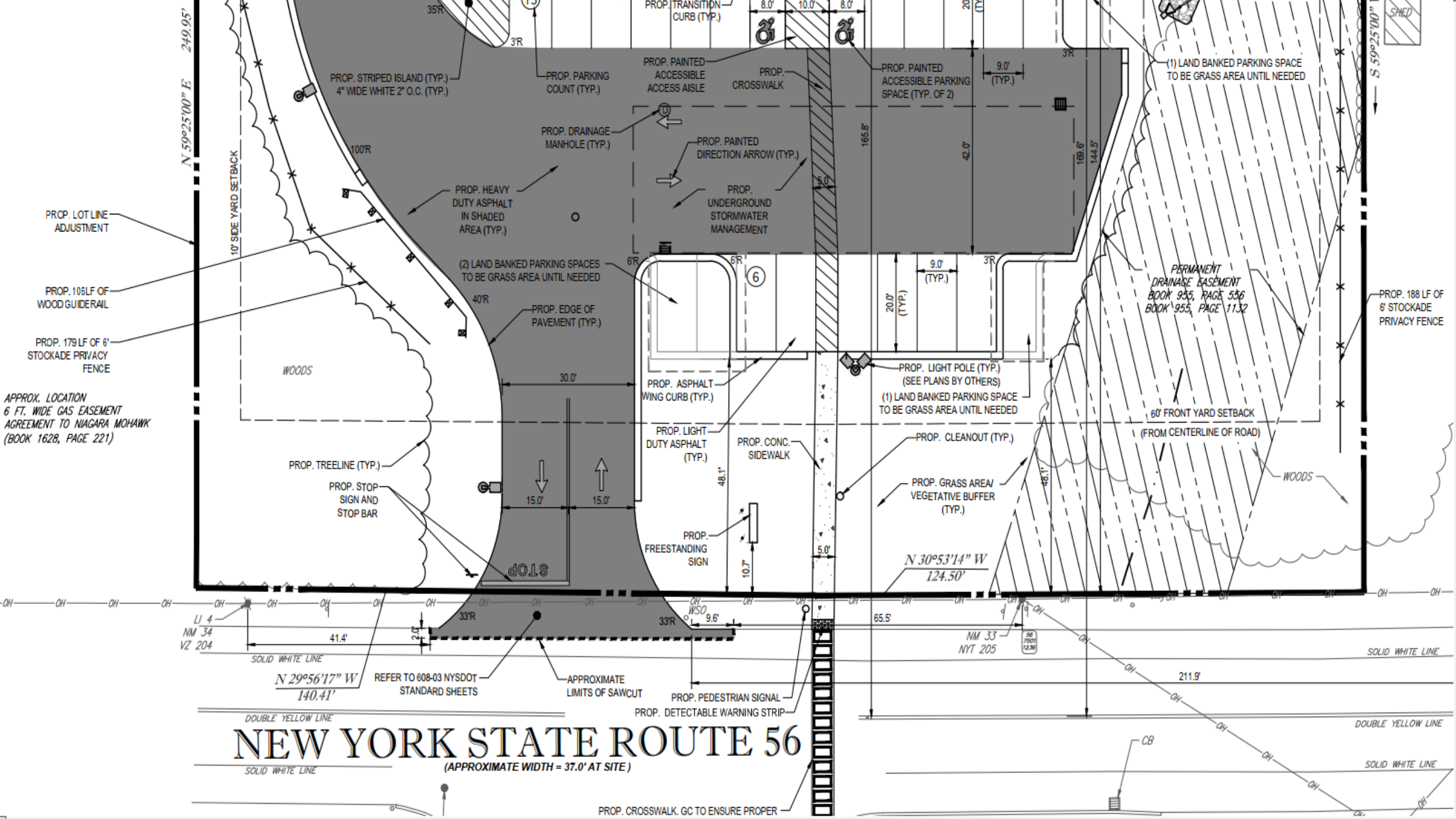
61.3'

WOODS

PROP. RIP-RAP (TYP.)

PROP. FLARED END SECTION (TYP.)

49.95'



N 59°25'00" E 249.95'

S 59°25'00" W

PROP. LOT LINE ADJUSTMENT
PROP. 108 LF OF WOOD GUIDERAIL
PROP. 179 LF OF 6' STOCKADE PRIVACY FENCE

10' SIDE YARD SETBACK

PROP. STRIPED ISLAND (TYP.)
4" WIDE WHITE 2" O.C. (TYP.)

PROP. PARKING COUNT (TYP.)

PROP. PAINTED ACCESSIBLE ACCESS AISLE

PROP. CROSSWALK

PROP. PAINTED ACCESSIBLE PARKING SPACE (TYP. OF 2)

(1) LAND BANKED PARKING SPACE TO BE GRASS AREA UNTIL NEEDED

PROP. DRAINAGE MANHOLE (TYP.)

PROP. PAINTED DIRECTION ARROW (TYP.)

PROP. UNDERGROUND STORMWATER MANAGEMENT

PROP. HEAVY DUTY ASPHALT IN SHADED AREA (TYP.)

(2) LAND BANKED PARKING SPACES TO BE GRASS AREA UNTIL NEEDED

PROP. EDGE OF PAVEMENT (TYP.)

PERMANENT DRAINAGE BASEMENT BOOK 935, PAGE 556 BOOK 955, PAGE 11.32

PROP. 188 LF OF 6' STOCKADE PRIVACY FENCE

WOODS

WOODS

APPROX. LOCATION 6 FT. WIDE GAS EASEMENT AGREEMENT TO NIAGARA MOHAWK (BOOK 1628, PAGE 221)

PROP. TREELINE (TYP.)
PROP. STOP SIGN AND STOP BAR

PROP. ASPHALT WING CURB (TYP.)

PROP. LIGHT POLE (TYP.) (SEE PLANS BY OTHERS)
(1) LAND BANKED PARKING SPACE TO BE GRASS AREA UNTIL NEEDED

60' FRONT YARD SETBACK (FROM CENTERLINE OF ROAD)

PROP. LIGHT DUTY ASPHALT (TYP.)

PROP. CONC. SIDEWALK

PROP. CLEANOUT (TYP.)

PROP. GRASS AREA/VEGETATIVE BUFFER (TYP.)

PROP. FREESTANDING SIGN

N 30°53'14" W 124.50'

LI 4 NM 34 VZ 204

SOLID WHITE LINE
N 29°56'17" W 140.41'

REFER TO 608-03 NYSDOT STANDARD SHEETS

APPROXIMATE LIMITS OF SAWCUT

PROP. PEDESTRIAN SIGNAL
PROP. DETECTABLE WARNING STRIP

NM 33 NYT 205

SAP 7501 (12.36)

211.9'

NEW YORK STATE ROUTE 56

(APPROXIMATE WIDTH = 37.0' AT SITE)

PROP. CROSSWALK. GC TO ENSURE PROPER

SOLID WHITE LINE

DOUBLE YELLOW LINE

SOLID WHITE LINE

CB

What to Consider?

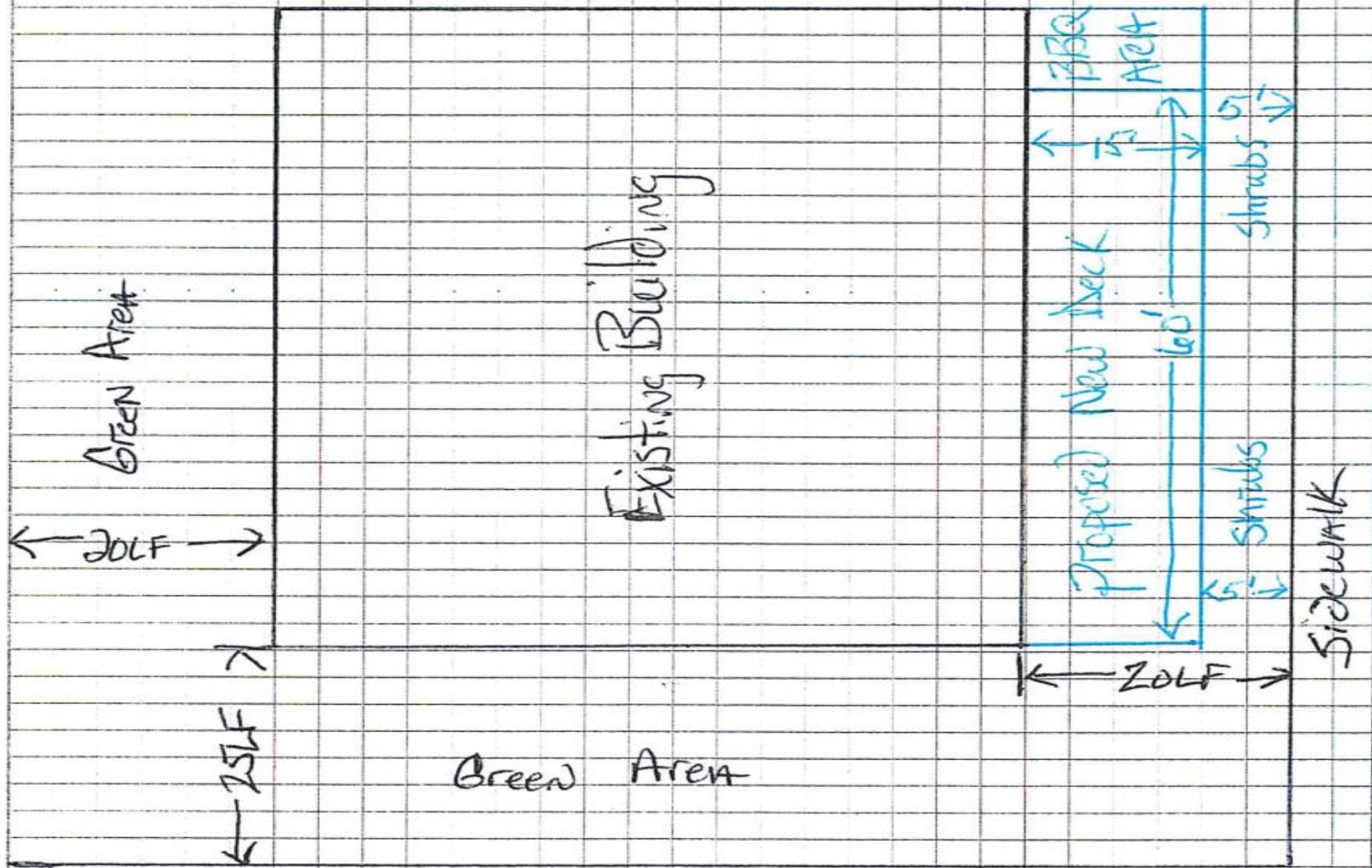
- Colton has a Complete Streets policy that requires streets be created for “safe transportation to people of all ages”
- Signage
 - No sign plan was submitted
- Lighting
 - No lighting plan was submitted
- Landscaping
 - No landscaping plan was submitted

Area Variance – Ogdensburg Elks Club Project

- Located on Caroline St. Near the water, adjacent to residences
- Requesting a variance for relief from a 15' side setback to a 5' side setback for the installation of a deck
- All five tests should be considered; the 5th test “shall not necessarily preclude the granting of the area variance” (NYS Town Law § 267-b).
- ZBA must grant the minimum variance necessary

Applicant's reason for the requested variance

“We are requesting permission to build an outdoor deck on the Greene Street side of our building. Currently there is a dilapidated mud room in need of repair. We propose removing this building and building a 15'x60' deck for outdoor dining. Every attention to detail will be taken to improve the looks of the building and improve the neighborhood. During the summer months we are not able to offer outdoor dining and our traffic suffers dramatically because of this.”



Green Area

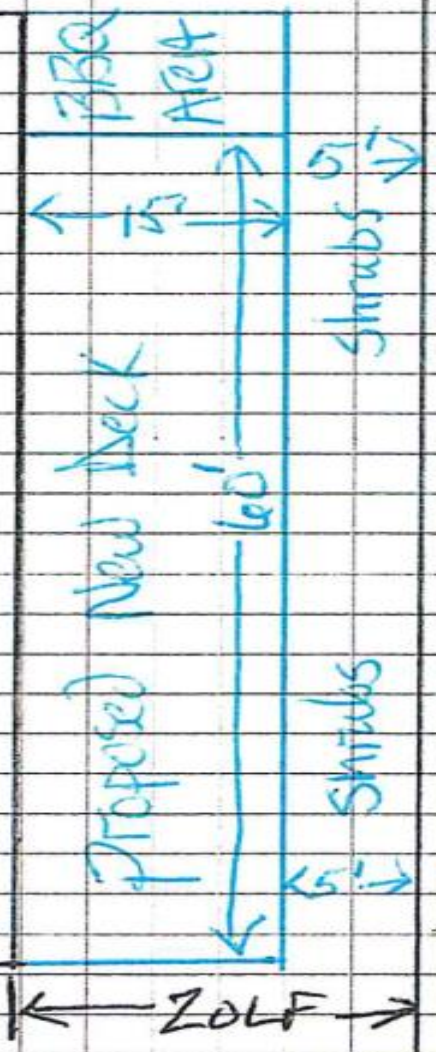
← 20LF →

← 25LF →

Existing Building

Green Area

Sidewalk



Proposed New Deck

160'

Shrubs

Shrubs

Sidewalk

← 20LF →

ZBA
AET

Moderate-Density Residential District

Purpose:

- “The purpose of this district is to provide for residential neighborhoods composed of single-family homes, two-family homes, and multiple-family dwellings in combination with selected public, institutional, service and retail uses compatible within predominantly residential areas. Furthermore, this district is designed to address the large old homes which may be better used for multiple-family than single-family uses in the future.”

Area Variance Tests

1. Effect on the neighborhood character:

- “We do not believe that this variance would produce an undesirable change in the character of the neighborhood. The use of the deck would only be for a few hours each day during the summer months.”

2. Is there an alternative solution that would not require a variance:

- “This location on the property is the only location feasible for the proposed use.”

3. How substantial is the request:

- “We do not believe that this will substantially impact the neighborhood.”

Area Variance Tests cont.

4. What the effect will granting this variance have on the environment:
 - “It is our intention to design and install the proposed deck in a way that it will beautify our building and that small section of the neighborhood.”

5. Is the difficulty necessitating the area variance self-created:
 - “Our building was rebuilt in 1964 after a fire. I don’t know the exact dimensions of the old building therefore I cannot say for sure whether or not the members in 1964 self-created this difficulty. It was not self-created by any of our current members.”

**Split into Groups and
Discuss**

Local Decision – Colton Special Use Permit

Approved with **fourteen conditions:**

1. The crosswalk shall meet all NYS requirements and go directly from the sidewalk on the school side to the sidewalk at the store entrance. The sidewalk shall have features to make it highly visible for drivers and pedestrians. An on demand button on both sides of the road to activate flashing caution lights is required.
2. Snow storage shall run off from catch basins into the DOT easement.
3. Property owners shall provide the Town with a memorandum of understanding stating their responsibility to maintain the property for 20 years.
4. Downward lighting on the parking lot and outside building lighting shall be provided as per file#17784.
5. Dumpster area shall be fenced in.
6. There shall be an evergreen hedge and a 6ft fence mitigating business noise and visual activities from the residential neighbors.
7. All external signage shall be external, gooseneck, lit. Signage must comply with Town of Colton Code signage requirements. Structure shall have open beam apex, as depicted in drawings, 4' of river rock on visible sides, cement board siding with color depicted in drawings, multiple awnings and faux windows on street side of the building.
8. There shall be 35' of green buffer from parking lot to road on the entire road side minus the parking and sidewalk areas.
9. Dollar General's sidewalk section to the new crosswalk shall be completed during construction at a point to be determined by Town of Colton CEO and project Applicant.
10. Dollar General shall comply with all Federal, State and Local laws regarding the sale of tobacco products and alcohol.
11. All deliveries shall be made on the North side of the parking lot.
12. A building permit shall not be issued until the boundary line adjustment is complete and recorded at the County Clerk's Office.
13. A bike rack shall be provided for cyclists.
14. County Planning Board Requirements shall also be met. Conditions of approval are as follows:
 - Revise the site plan to depict a sidewalk along the road frontage to provide pedestrians with safe access to and from the site.
 - Prepare and submit a landscaping plan to the Town.
 - Prepare and submit a lighting plan, and revise the elevations that depict light fixtures that are downcast with bulbs fully recessed and dark sky compliant.
 - Prepare and submit a sign plan to the Town.

Local Decision – Ogdensburg Area Variance

- Approved with **one condition**:
- A landscape plan be submitted to the Director of Planning for approval. Landscaping shall include planting (i.e. trees and shrubs) that will provide a visual buffer and that will mitigate noise.