

November 20, 2019

Planning and Zoning Training:

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Making Communities Livable for People of All
Ages and Abilities
- Linda Phillips, OCPD
Site Plan Review & Standards for Home
Occupations, Outdoor Lighting, & Signs

Session Objectives

- Understand local responsibility to adopt development standards to match goals
- Increase understanding of site plan review
- Increase understanding of how to regulate and review home occupations, outdoor lighting, and signs.

ZBA/PB Authority

- Zoning Boards of Appeals follow state standards and local procedures for granting use and area variances
 - Use variance requires 4 prong hardship text
 - Area variance requires weighing 5 criteria related to impacts on neighborhood character
- Planning Boards follow local regulations regarding review standards and procedures

Have you approved projects that don't further community goals?

- PB required to approve any development that meets code standards and appropriately minimizes environmental impacts
- If you are not satisfied with development in your community, change your regulations
- May also be able to further community goals by asking for desired element early in the process

Do You Have the Tools You Need?

- What requires site plan review?
- What are your submission requirements?
- What are steps in your review procedure?
- Do you have access to technical reviewers?



What To Review

- Conformance with municipal and county plans
- Maintaining function of natural resources
- Infrastructure
- Transportation
- Utilities
- Conformance with district setback, open space, and buffer/landscaping requirements

When To Get TA from PE/LA/RA

- If in floodplain
- If connected to public utilities
- Sq.Ft, # of units or trip generation threshold
- Involve municipal attorney if easements
- If sensitive natural features within area of disturbance
- If new building in area where most buildings were built before 1950.

Conformance with Plans

- Comprehensive Plan
- Natural Resources/Open Space Inventories
- Agricultural & Farmland Protection Plans
- Official Map
- Other Municipal Planning Documents
- County Plans – Ag Plan, Econ. Dev, Tourism
- State Park/Historic Area/Recreation/Wildlife Management Plans

Site Plan Review Resources

- Resource hand out – Stormwater, dark sky, and signage
- NYS Department of State – local government services publications and local law database
- County Planning Board By-Laws include links to County Agricultural Enhancement Plan, many State highway corridor studies, and other county and state plans

Protecting Natural Resources

- Require mapped boundaries of state/fed regulated (streams/wetlands/floodplains) & unregulated/locally regulated (ag. soils, woods, views, steep slopes) resources & limit of disturbance
- Consider ecosystem service that resource provides-trees provide slope stabilization and erosion control, wetlands store and filter stormwater

Required Green/Open Space

- Required percent
- Do undevelopable lands count?
- Are stormwater facilities (SWMF) allowed in green space/open space?
- Do SWMF design requirements result in engineered (3:1 slopes) or natural character (5:1 slopes)?
- Does code require any area to remain undisturbed?

Infrastructure

- Changes in drainage patterns – storm event and cover type used in calculations, proposed green infrastructure, erosion control, roof drains
- Drinking water – test well water or capacity of public system
- Waste water treatment – require soil test pits if on-site treatment or confirm public system can handle quantity and type

Transportation

- Streets as public places – do they enhance community and accommodate all members and modes of transportation?
- Direct or indirect access (requires access easement and maintenance agreement)
- Driveway spacing – related to speed and volume of traffic
- Sidewalks/trail connections
- Considerations regarding rail, airport, or large vehicles

Utilities & Code Bulk Requirements

- Gas/electric
 - Wind/solar
 - Telecommunications
-
- Lot size/frontage/setbacks
 - Density/lot coverage
 - Parking/landscaping



Building/Site Appearance

- Elevations to show massing, window and door spacing, and materials
- Compatibility of design with area uses
- Location & screening of garbage & recycling
- Fences and retaining walls
- Landscaping – undisturbed vegetation; add foundation, perimeter/buffer, & frontage/streetscape; species & location

Site Layout & Operations

- Pedestrian circulation
- Parking & loading
- Drive-throughs and queuing
- Hours of operation
- Type and quantity of entering/existing vehicles
- Performance standards re noise, vibration, dust, & smoke impacts

Defining Home Occupation

- Not transferable; terminates upon sale, lease, or transfer of property
- Based on skills of resident/proprietor
- What constitutes subordinate/secondary/ accessory use? i.e. max 35% of residence &/or 1,200 SF accessory bldg.
- In townhouse or multi-family developments? on a farm?

Major/Minor Home Occupations

- # of on-site, non-resident employees (1-15)
- Use of accessory building (different setbacks?)
- Outdoor storage (setbacks, screening)
- # of clients on site at a time (adequate parking)
- hours of operation
- # or type of deliveries (vehicles w/ 2+ axles)

Standards for Home Occupations

- No change is residential character of home, site, or neighborhood (consider village, suburban or rural context)
- Prohibit or regulate retail sales; exterior display or storage of materials or equipment; production of noise, vibration, or light
- Quantity/type of solid waste or wastewater
- Signs
- Parking

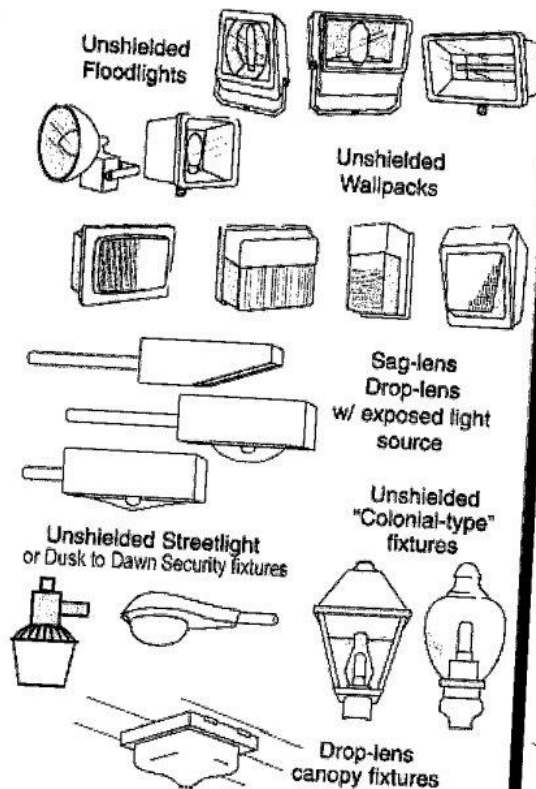
Basic Outdoor Lighting Regs.

- Require dark sky fixtures
- Statement regarding minimizing glare, light trespass (<0.5 foot/candles), energy use, & light pollution/sky glow
- If use requires site plan - show location, height, lighting levels (F/C or lux)
- Prohibit overly “cool” blue light that exceed 3,000 Kelvin (disruptive to humans and wildlife)

Fixture Examples

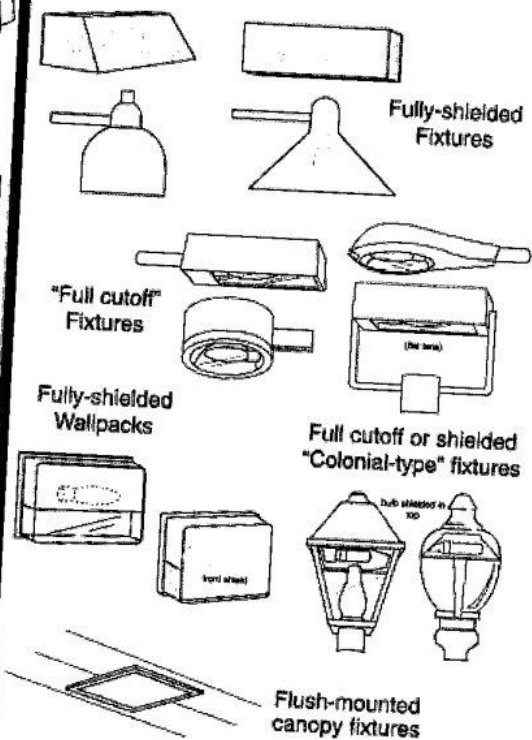
UNSHIELDED FIXTURES

Unacceptable / Discouraged
 Fixtures that produce glare and light trespass



Full Cutoff and Fully Shielded Fixtures

Acceptable
 Fixtures that shield the light source, to reduce glare and light trespass and to facilitate better vision at night.



Other Outdoor Lighting Regs.

- Minimum Illuminating Engineering Society (IES) lighting levels for use
- All lighting except security lighting to be turned off during non-operating hours
- Lighting on roof overhangs or canopy to be recessed
- Avoid uplighting except government flag poles
- Mount sign lighting on top and direct/shield to illuminate sign only

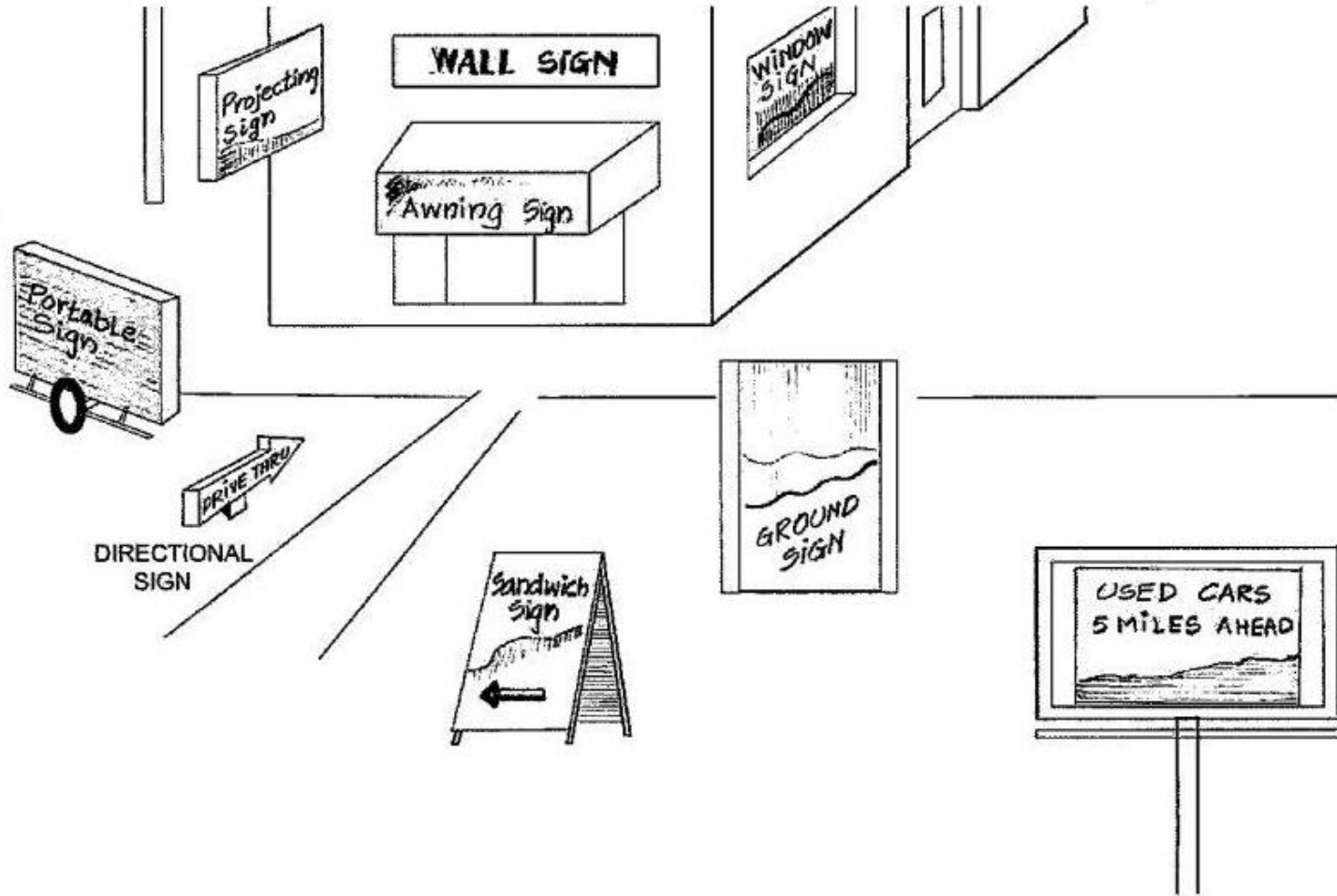
Sign Regulations

- Regulation must advance significant municipal interest – traffic safety and/or aesthetics
- If classify commercial and non-commercial speech can't limit non-commercial signs if commercial signs are allowed
- Regulate time, place, manner, NOT content- if you have to read it to regulate it, regulation is not content neutral

Time, Place, Manner Regulations

- Temporary signs and hours of illumination
- What districts? Where on lot (roof, wall, window, ground, pole)? Sign spacing
- Size/dimensions, # of signs
- Electronic signs- brightness, duration if changeable copy
- Prohibit or require permit for signs in ROW
- Maintenance and enforcement

Sign Types



Sign Visibility

- Min. 5' height for words on ground signs
- .1 sec/letter to read, typ. Max of 25 letters
- @<40 MPH 150' ground sign spacing
- CAPS and internally illuminated signs easier to read; aesthetics may dictate other types
- Greater visibility if closer to road;
- 40% copy area/60% background

TABLE 4.7. PARALLEL SIGN HEIGHT LOOKUP TABLE

Letter Height in Inches					
Offset from the Curb (ft)	Number of Lanes				
	1	2	3	4	5
10	4	6	8	10	12
20	6	8	10	12	14
40	10	12	14	16	18
60	14	16	18	20	22
80	18	20	22	24	26
100	22	24	26	28	30
125	27	29	31	33	35
150	32	34	36	38	40
175	37	39	41	43	45
200	42	44	46	48	50
225	47	49	51	53	55
250	52	54	56	58	60
275	57	59	61	63	65
300	62	64	66	68	70
325	67	69	71	73	75

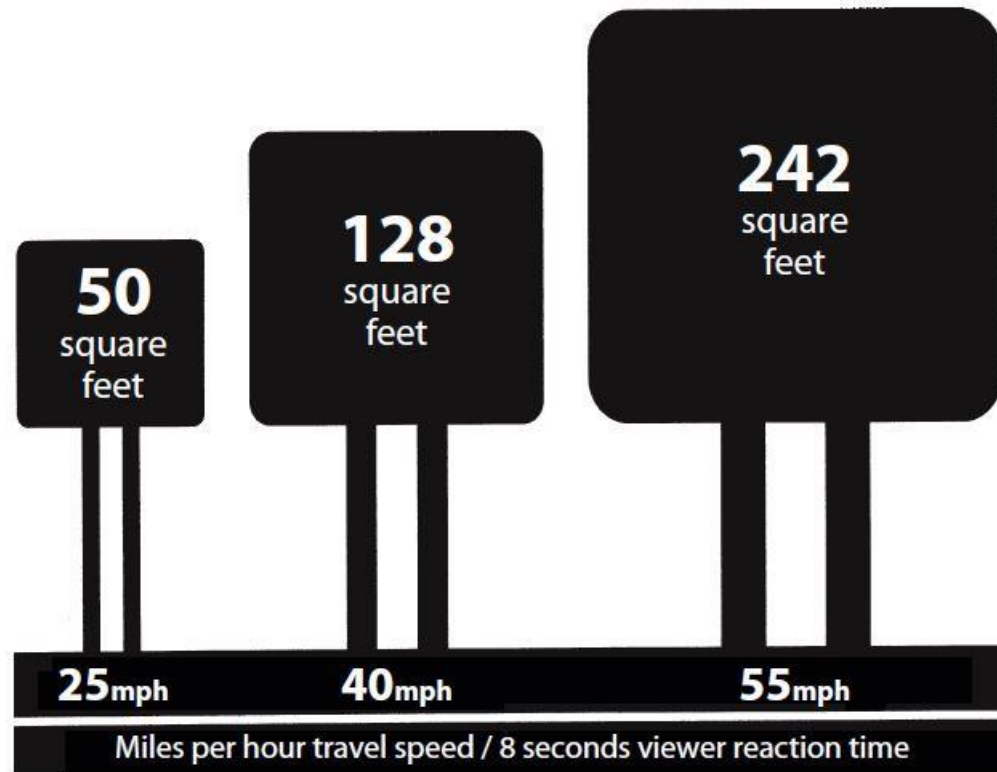


Figure 4.6. Average sign size related to speed of travel and reaction time

Common Problems/Solutions

- Timetable for removal of political signs;
- Limit signage to 1/building
- Size of sign related to size of building or frontage (ok in village)
- Limits on combining signs
- Timetable for removal of temporary sign
- Limit signage to 1/tenant; define how to allocate sign area
- Size of sign related to distance from ROW and/or speed limit
- Encourage multi-tenant signs

Upcoming Training

12/4	Intermunicipal Cooperation: Code Enforcement 3 – 4:30 pm https://meetny.webex.com/meetny/k2/j.php?MTID=t8409f1379884
12/11	Special Use Permits 6 – 7:30 pm https://meetny.webex.com/meetny/k2/j.php?MTID=ta962f45a849b346afd6040e37e3ee860
12/18	Adaptive Reuses for White Elephants 6 – 7:30 pm https://meetny.webex.com/meetny/k2/j.php?MTID=td2effd366548f01fcdc710b3edc53fcc
1/8	Planning Board Overview 6 – 8 pm https://meetny.webex.com/meetny/k2/j.php?MTID=t4c48c3a804cf157459c3d8cbe9bbf462
1/15	Zoning Board of Appeals Overview 6 – 8 pm https://meetny.webex.com/meetny/k2/j.php?MTID=t64cb99eb212d3926d7c90afd317180b6

Thank you & please complete evaluation