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Site Plan Review

Description:

Site plan review is a regulatory tool, defined in state statute, which can be used with or without zoning. A site *plan* is a rendering, drawing, or sketch of the proposed use of a single parcel of land, which shows the arrangement, layout, and design of the proposed development. The site plan *review* is concerned with *how* a particular parcel is developed and can include both small and large scale proposals, ranging from gas stations, drive-through facilities and office buildings, to complex ones such as a mega-shopping center, a senior housing complex, or an industrial park.¹

Site plan requirements are addressed in the local site plan review regulation, and a site plan must be prepared to the specifications of the local government. Site plan review regulations can be a stand-alone document, or they can be incorporated into the zoning ordinance.² The required site plan elements in the zoning ordinance, or local law, may include, components relating to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as any additional elements specified by the municipal legislative board.

Site plan review is a stronger tool when used in conjunction with zoning. The local legislative body has the power to delegate site plan review to the planning board, zoning board of appeals, or another board. Alternatively, the legislative body may retain the power to exercise such reviews. The local site plan review regulations or local zoning regulations identify uses that require site plan approval. Parcels subject to site plan review may be: (1) all parcels in a particular zoning district, such as all properties in a commercial district; (2) specific types of use, regardless of the zoning district or proposed location within the municipality, such as all multi-unit residences; or (3) parcels in areas needing special protection or attention, such as overlay zones or districts for aquifers, wetlands, steep slopes, ridgeline areas, and historic preservation areas.³

References:

^{1, 2, 3} *Local Government Handbook* (2009), 6th edition, pp. 149-150. Albany, NY: State of New York Department of State.

Benefits:

- Zoning is not necessary in order to enact site plan review regulations.
- Through site plan review, community goals benefiting residents of all ages and abilities can be achieved. For example, if a proposed new housing complex brings more residents to an area, placing more demand on existing recreational

resources, the review may require that land suitable as a playground or other recreational purposes on the site be set aside to meet this increase in need. Or, if a suitable park cannot be properly located on the site, a cash payment held exclusively for parks and recreation might be required of the developer.

- A site plan review can be used to protect taxpayer burdens. For example, review statutes allow municipalities to require an applicant to post a performance guarantee to cover the cost of required infrastructure installation and improvements, thereby shifting this cost to the applicant and reducing the taxpayers' financial burden for extending roads, utilities, sewer, and water.
- The site plan review process gives a municipality the ability to control many aspects of new proposals that have direct impacts on the community, including such elements as landscaping, grades and contours, utilities, sewage and storm water, parking; access, traffic, lighting, and signage.
 - Review of landscaping features such as screening and buffering, if required, can enhance development quality and improve overall community character. Snow-storage and garbage-collection areas can be identified. Xeriscaping, the use of plants and trees designed for water conservation and specifically to cope with dry conditions, is better for the environment, provides habitat for wildlife, and saves natural resources.
 - The review of proposed grades and contours ensures that school buses, emergency, and service vehicles can reach their destinations safely in all weather conditions. Review can also discourage developments on steep slopes to lessen the impact of soil erosion.
 - Utility lines can be required to be buried, benefiting residents in areas prone to snow and ice storms by resulting in fewer power outages.
 - Site plan regulations and review regarding sewage and storm water protect the health and safety of all immediate, as well as, regional residents:
 - Ensuring that sewage systems are able to accommodate increased flows from new projects.
 - Minimizing the use of water-impervious surfaces (such as roads and parking lots) to control the drainage of residues and slicks from these surfaces that drain into streams and rivers, affecting the quality of water supplies and local plant and wildlife.
 - Requiring on-site storm water retention areas to reduce stormwater increases from the new development.
 - Review of traffic flow plans can assess the need for pedestrian sidewalks, proper crosswalks, and bicycle lanes. Vehicle traffic and circulation patterns will be identified, with safe ingress and egress from roads, parking lots, and drive-through facilities. Traffic calming devices lend an increased sense of security and encourages pedestrian and bicycle activity.
 - Review to ensure good lighting enhances community character because it provides security for residents and consumers. Private and public lighting that utilizes solar energy, motion detectors, and energy-saving bulbs will lower utility bills and result in taxpayer-savings while helping the environment. A municipality can take a direct role in curbing global warming

by using energy-conserving lighting, especially in street lights, schools, and other public buildings.

- Review of signs can aesthetically enhance a locality and affect community character—number, size, type, design, and location of signs can be regulated, but not the sign content or message.

Impediments or barriers to development or implementation:

- A municipality can only review elements specifically listed for review. For example, review of pedestrian paths or proposed sidewalks in a plan may not be required if it is not specifically required in the municipality's site plan review process.

Resource—statutory authority:

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

Resource—examples and ordinances:

- City of Saratoga Springs, New York:
 - <http://www.saratoga-springs.org/index.php>: select "Zoning Ordinance."
 - Zoning Ordinance: http://www.saratoga-springs.org/index.php?option=com_content&view=article&id=226&Itemid=130.
 - Article 5 of Ordinance—Site Plan Review and Approval: http://www.saratoga-springs.org/index.php?option=com_remository&Itemid=67&func=startdown&id=1346.

Resource—written and web:

- (2009), *Local Government Handbook*, 6th Edition. Albany, NY: New York State Department of State.
http://www.dos.ny.gov/lg/publications/Local_Government_Handbook.pdf.
- (August, 1998; reprinted January, 2008), *Site Development Plan Review: James A Coon Local Government Technical Series*. Albany, NY: New York State Department of State, Division of Local Government Services.
http://www.dos.ny.gov/lg/publications/Site_Development_Plan_Review.pdf.
- (May, 2007; reprinted January, 2008), *Guide to Planning and Zoning Laws of New York State: James A. Coon Local Government Technical Series*. Albany, NY: New York State Department of State, Division of Local Government Services.
http://www.dos.ny.gov/lg/publications/Guide_to_Planning_and_Zoning_Laws.pdf.
- M. Scott Ball (n.d.) *Aging in Place: A Toolkit for Local Governments*. Atlanta, GA: Community Housing Resource Center and the Atlanta Regional Commission. This community tool kit addresses many aspects of aging in place, including:

housing choice and affordability, planning and zoning, health care, transportation, walkability and mixed generation communities.

http://www.atlantaregional.com/File%20Library/Aging/ag_aging_in_place_toolkit_2_23_04.pdf.

- James Coon and Sheldon Damsky (2005), *All You Ever Wanted to Know About Zoning*, 4th edition. Albany, NY: New York Planning Federation. New York Planning Federation Book Store: <http://nypf.org/editable/bookstore1.html>; <http://www.amazon.com/Ever-Wanted-Know-About-Zoning/dp/0811349500>.
- Thomas Daniels, John Keller, Mark Lapping, Katherine Daniels, and James Segedy (2007), *The Small Town Planning Handbook*, 3rd edition. Albany, NY: American Planning Association Publication. <http://www.planning.org/APAStore/Search/Default.aspx?p=3656>.