

Providing Predictability and Demystifying the Planning Process

Saratoga County Planning & Zoning Conference
January 31, 2024



The background of the slide is a photograph of the Mount Rushmore National Memorial in the United States. The four large granite faces of George Washington, John Adams, Thomas Jefferson, and Abraham Lincoln are visible against a clear blue sky. In the foreground, there are dark green pine trees. A small orange horizontal bar is located in the upper left corner of the image.

Abraham Lincoln -

“The legitimate object of government, is to do for a community of people, whatever they need to have done, but could not do, at all or can not so well do for themselves - in their separate, and individual capacity” (Richardson, 2023).

Today's Presentation Outline



Define objective & scope for review power for stakeholders



Defining & Shaping Planning Board Behaviors



5 Steps to Board Member Success



Review Process Including GML Section 239(m)



Framework of Operations



Continuous Improvement Strategy & Mindset



Resources

Word Cloud

analogy objectification
hyperbole
loophole exception us
them should mean
false equivalence
profit driven
over generalization

Define Objectives and Scope

Determine the specific objectives of the review, such as improving community planning, permitting processes (Site Plan, Special Use Permit (SUP), Subdivision), or zoning regulations.

- Town Planning Boards - Article 16 of Town Law
- Village Planning Boards – Article 7 of Village Law
- City Planning Boards – Article 3 of General City Law
- List of review elements in your local laws & ordinances.

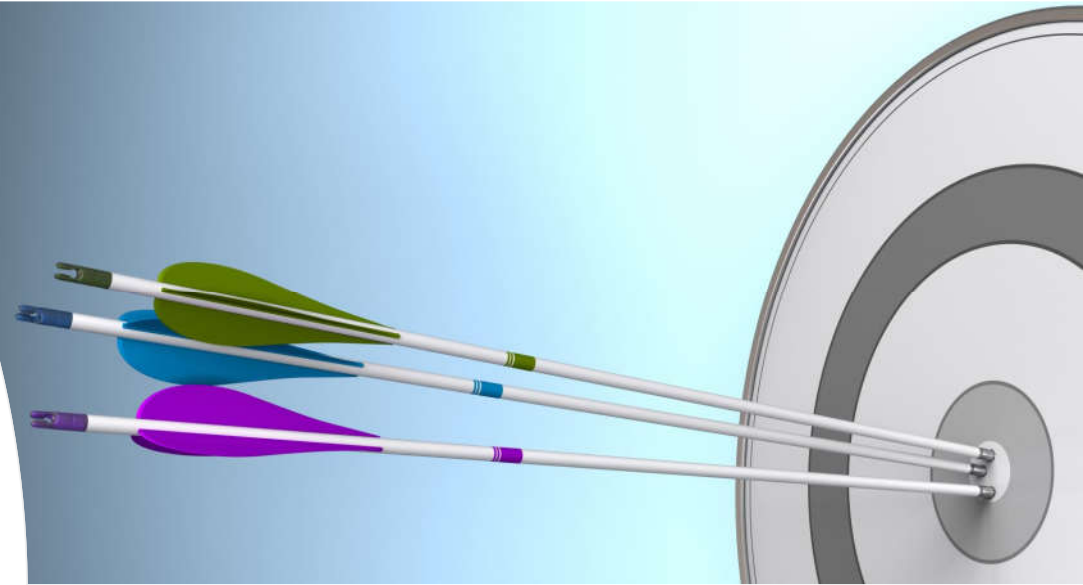
Define Objectives and Scope

Define the scope of the review, including the geographic area or jurisdiction to be covered

- SUP, Site Plan, & Subdivision Reviews

5 Basic Boundaries that Shape Planning Board Behaviors

- Mission
- Resources
- Capacity
- Responsibility
- Accountability





Be a Community Leader

5 Steps to Board Member Success (Church et al., 1997)



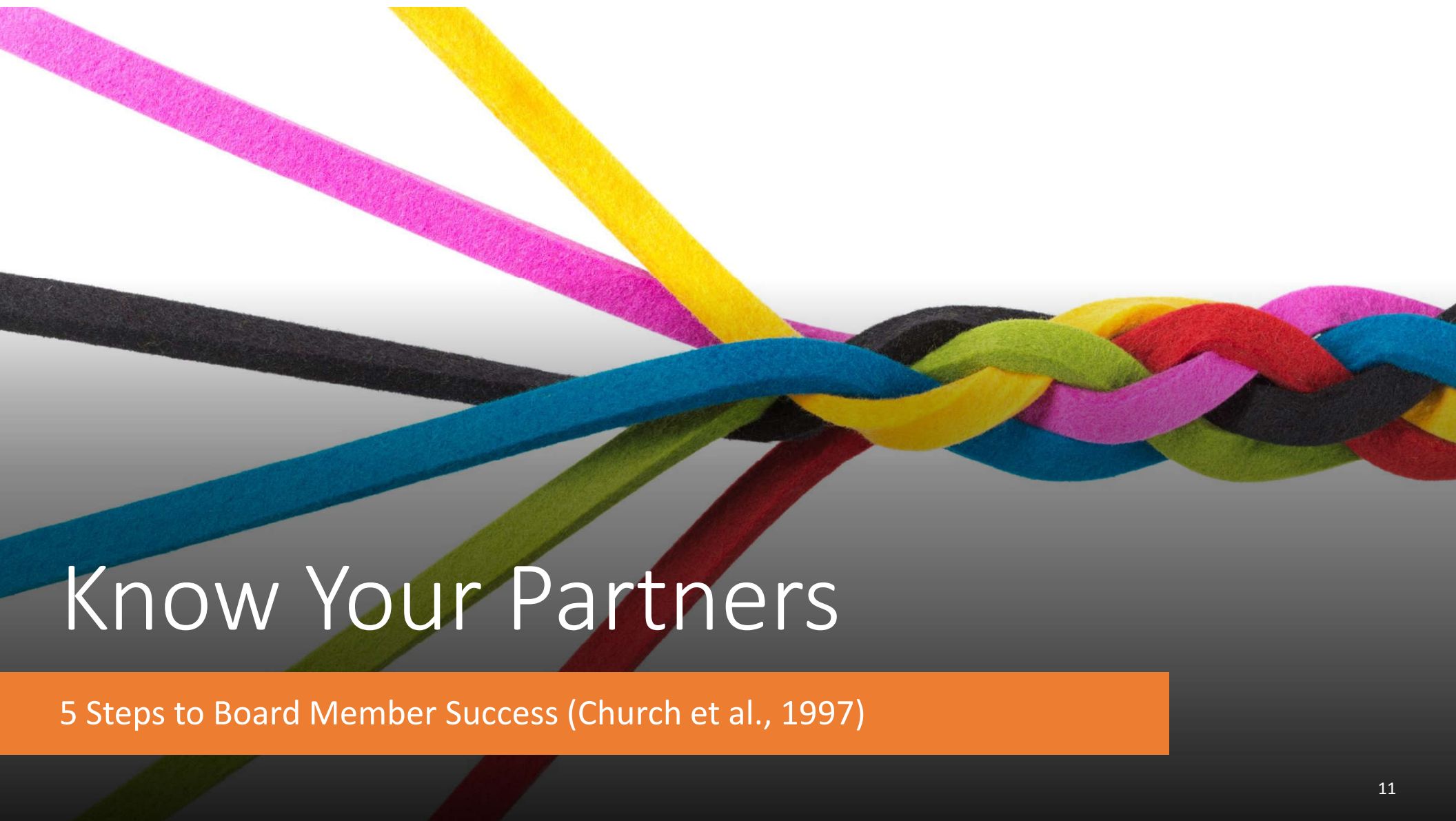
Know Your Community, Its Geography & Character

5 Steps to Board Member Success (Church et al., 1997)



Know Your Local Regulations & All Required Procedures

5 Steps to Board Member Success (Church et al., 1997)



Know Your Partners

5 Steps to Board Member Success (Church et al., 1997)



Treat Everyone With Courtesy & Respect

5 Steps to Board Member Success (Church et al., 1997)

Identify & Assemble The Review Team

- Identify and form a review team comprising Planning Board Members, planners, legal experts, public administrators, and relevant stakeholders.
- Appoint a team facilitator or project manager to oversee the review process, which is often multifaceted.

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No



GML 239-l, m, n, nn Referral

Referral of certain proposed planning and zoning actions to the County Planning Agency

- Comprehensive Plan
- Zoning Amendments
- PDD
- Moratorium

- Area Variance
- Use Variance

- Special Use Permits
- Site Plan Review
- Subdivisions

Types of Actions

Referral of certain proposed planning and zoning actions to the County Planning Agency



500 feet

- State, County, or Interstate Road
- State or County Park/Recreation Facility
- Agricultural District
- State of County Property/Facility
- Farm operation in an Agricultural District
- Municipal Boundary

Referral of certain proposed planning and zoning actions to the County Planning Agency

Referring Agency

Type of Action

SEQR Review

Signature/Contact Information

SARATOGA COUNTY PLANNING BOARD
PLANNING AND ZONING ACTION REFERRAL FORM

This form constitutes an official referral to the Saratoga County Planning Board under GML §239-1, -m, and -n (see page 2). Please note that failure to provide complete information may delay the County Planning Board's ability to render a decision.

Municipality: City Town Village of _____
 Referring Agency: Legislative Board Planning Board Zoning Board of Appeals

Project Name: _____ Project Address: _____
 Applicant Name: _____ Property Owner Name: _____
 Parcel Size: _____ Tax Parcel #: _____ Current Zoning District: _____
 Primary Road Frontage: _____ Length _____

Project Description: (attach additional pages if necessary)

Type of Action
 Area Variance Area Variance (Sign) Use Variance Site Plan Review
 Subdivision Review Special Use Permit Adoption/Amendment of Comprehensive Plan
 Adoption/Amendment of Zoning Ordinance or Local Law (Text OR Map) Moratorium PDD
 Other authorization under provision of zoning ordinance or local law (please specify) _____

Jurisdictional Determinant
 Project is located in Ag. District 1 or Ag. District 2 (please attach [Ag Data Statement and Control Form](#)) OR
 Location of project boundary is within 500 feet of the existing or proposed facilities:
 Municipal boundary shared with: _____
 State, County, or Interstate Road _____
 State or County Park / Recreational Facility _____
 State or County Property / Facility _____
 Farm operation in a designated Ag. District (please attach [Ag Data Statement and Control Form](#))

State Environmental Quality Review (SEQR) Review required? Not yet determined No Yes (submit EAF)

Other Involved agencies (with permitting authority): SCDPW NYSDOT NYSDOH NYSDEC
 Adirondack Park Agency Other (please specify) _____

Has Lead Agency been designated? No Yes If yes, Lead Agency _____

Status of Local Approval: Preliminary Approval Issued: No Yes, Date _____

Date of Public Hearing: _____ Date Referring Agency proposes to act on application: _____

Check off all required supporting documents that are attached to this referral (see page 2 for requirements):
 Municipal Application Project Narrative Site Plan / Map Subdivision Plat Municipal/Advisory Review
 Environmental Assessment Form Text of Proposed Legislation Ag Data Statement Other _____

Submitted by Name: _____ Title: _____
 Department or Agency: _____ Phone #: _____
 Address: _____ Email address: _____
 Signature: _____ Date: _____

SUBMIT COMPLETED FORM AND SUPPORTING DOCUMENTATION TO SCPBreferrals@saratogacountyny.gov OR
 MAIL TO: Saratoga County Planning Board, 50 W. High St, Ballston Spa, NY 12020. For more information, call 518-884-4705.

Project Description

Jurisdictional Determinant

Involved Agencies

Supporting Documentation

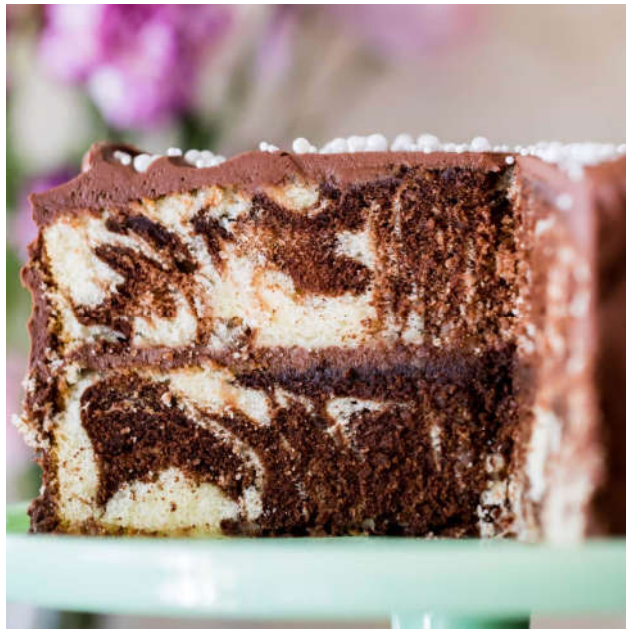
Jurisdiction	Approving Party	Approval	Status	Notes
Town of Clifton Park	Planning Board	SEQR – Negative Declaration	Received	10/24/2023
Town of Clifton Park	Planning Board	Site Plan Approval	In process	
Town of Clifton Park	Planning Board	Special Use Permit	In process	
Saratoga County	Planning Board	239-m	No significant county wide impact	10/20/2023
Saratoga County	Department of Public Works	Driveway Permit	In process	
Town of Clifton Park	Code Enforcement Officer	Building Permit	In process	
New York State	NYSDEC	SPDES Water Permit (NOI)	To Be Submitted Post Approval	
New York State	NYSDEC	Wetlands - Individual 401 Water Quality Certification, Article 24 Buffer Disturbance	In process	Coordination began 4/17/2023
New York State	NYSHPO	No Impact Letter	No Effect	Phase 1A/1B Study completed, letter of no effect received 11/1/23
Federal Government	FAA	Navigation Impact Designation	None	No notification required
Federal Government	USACE	Nationwide Permit	In Process	
Federal Government	USFWS	No Impact letter	Received	7/24/2023



Permitting and Approval List & Status

Source: Environmental Design Partnership, 2023

Marble Cake V. Layer Cake Federalism



Legal Framework Review

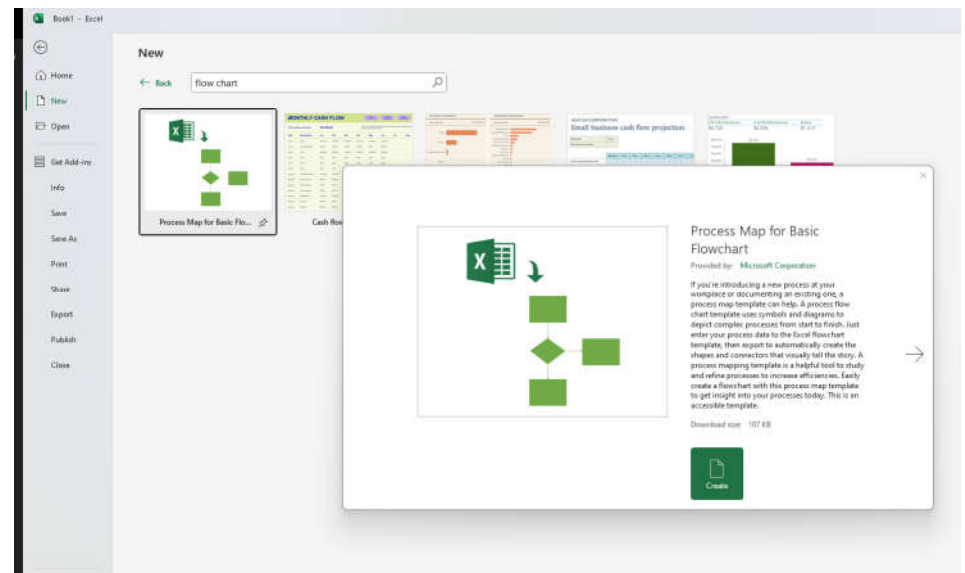
Develop a diverse review team comprising Planning Board Members, planners, legal experts, public administrators, and relevant stakeholders.

Ensure a facilitator or project manager to oversee the review process is identified to the Planning Board, Public, and Applicant.

Documentation of Current Processes

Document existing planning and development processes and procedures

Likely involves process mapping or written descriptions (written records for deliverables and next steps)



NYS Department of State

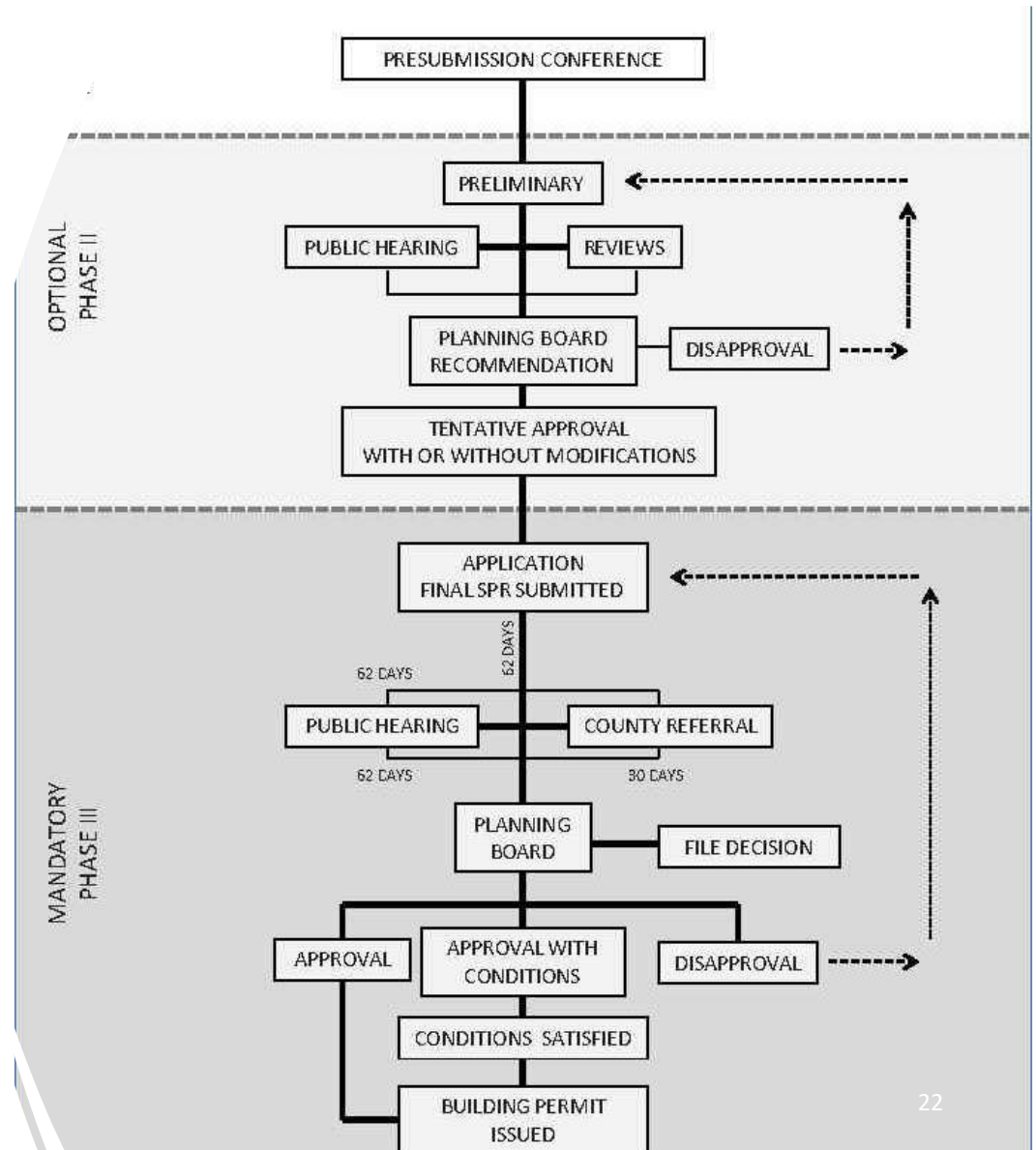
New York Department of State

99 Washington Avenue
Albany, NY 12231

518-473-3367

<https://dos.ny.gov/publications>

Image Source: (NYS DOS 2023)



MONTGOMERY PLANNING'S DEVELOPMENT REVIEW PROCESS

MONTGOMERY COUNTY'S PERMITTING PROCESS

NATURAL RESOURCES INVENTORY/FORREST STAND DELINEATION (NRI/FSD) EXISTING CONDITIONS FILED

These plans document existing conditions including historic resources, buildings and structures and environmental conditions on the property. Staff review and approve before any application can be submitted.

APPLICANT COMMUNITY MEETING

Applicant provides notice and hosts a pre-submission community meeting.

APPLICATION FORMALLY ACCEPTED

Application accepted by Montgomery Planning's Intake and Regulatory Coordination (IRC) division and distributed via ePlans to county and state agencies that make up the Development Review Committee (DRC). The 90- or 120-day clock starts.

DEVELOPMENT REVIEW COMMITTEE (DRC) MEETING

An inter-agency group of representatives from Montgomery Planning and Parks, Maryland State agencies, Montgomery County departments and utility companies which review plans and meet at regulatory scheduled meetings. These meetings are live streamed and open to the public.

REVISIONS AND PLAN PREPARATION FOR PLANNING BOARD HEARING

Montgomery Planning and DRC agencies work with applicant to address issues and comments. Plans are revised by Applicant based on comments from the DRC.

STAFF REPORT POSTED TO PLANNING BOARD AGENDA

At least ten days prior to the Planning Board public hearing, the staff report is finalized and staff also mails notice of the hearing date. This serves as Montgomery Planning's formal recommendation to the Planning Board. The staff report is posted to the Planning Board Agenda webpage at least 10 days before the public hearing and mail notice.

PLANNING BOARD PUBLIC HEARING AND DECISION

The Montgomery Planning Board holds a public hearing on the project. Following the hearing, the Planning Board approves or denies the proposed development application.



ISSUANCE OF USE AND OCCUPANCY PERMITS BY DPS

ISSUANCE OF PERMITS BY DPS AND POSTING OF BONDS

PERMITTING REVIEW

A variety of technical permits are issued by Montgomery County Department of Permitting Services (DPS) and Department of Transportation (MCDOT). These can include Building, Storm Water Management, Storm Drain, Road Access and Demolition. All conditions of approval from the Planning Board must be satisfied.

APPLICANT SUBMITS FOR PERMITTING REVIEW AND COUNTY APPROVALS

PLATS RECORDED

Applicant submits plats in compliance with certified plans and approvals. County departments and Montgomery Planning review and Planning Board approves and recorded in Land Records.

POST PLANNING BOARD ACTIONS

Applicants must submit the development plans incorporating all conditions of approval for certification by staff. Any accompanying easements and agreements must also be submitted.

PLANNING BOARD ADOPTS RESOLUTION

The Planning Board memorializes the development approval or denial in a resolution that is adopted at a public Planning Board meeting.



Identify Challenges and Inefficiencies

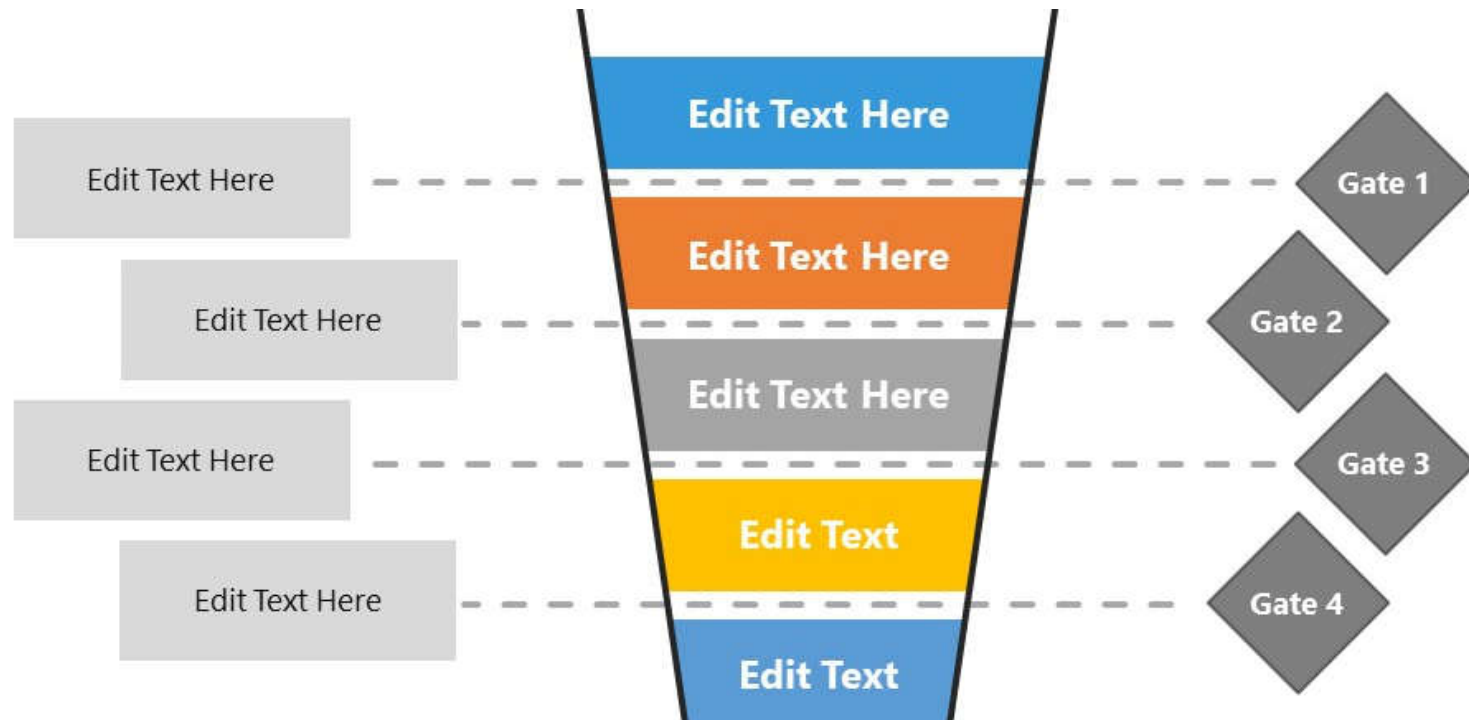
Analyze documented processes to identify bottlenecks, redundancies, delays, and inefficiencies.

Gather feedback from staff, stakeholders, and the public to understand current challenges.

Benchmark and Best Practices

“We are all required to meet certain benchmarks and requirements under Planning Board Review Authority – How we accomplish such may vary amongst similar entities (Scavo, 2023).”

- Research and benchmark similar planning boards or municipalities to identify best practices.
- Consider successful case studies and examples from other jurisdictions.
- Highlight local successful best practices and projects.

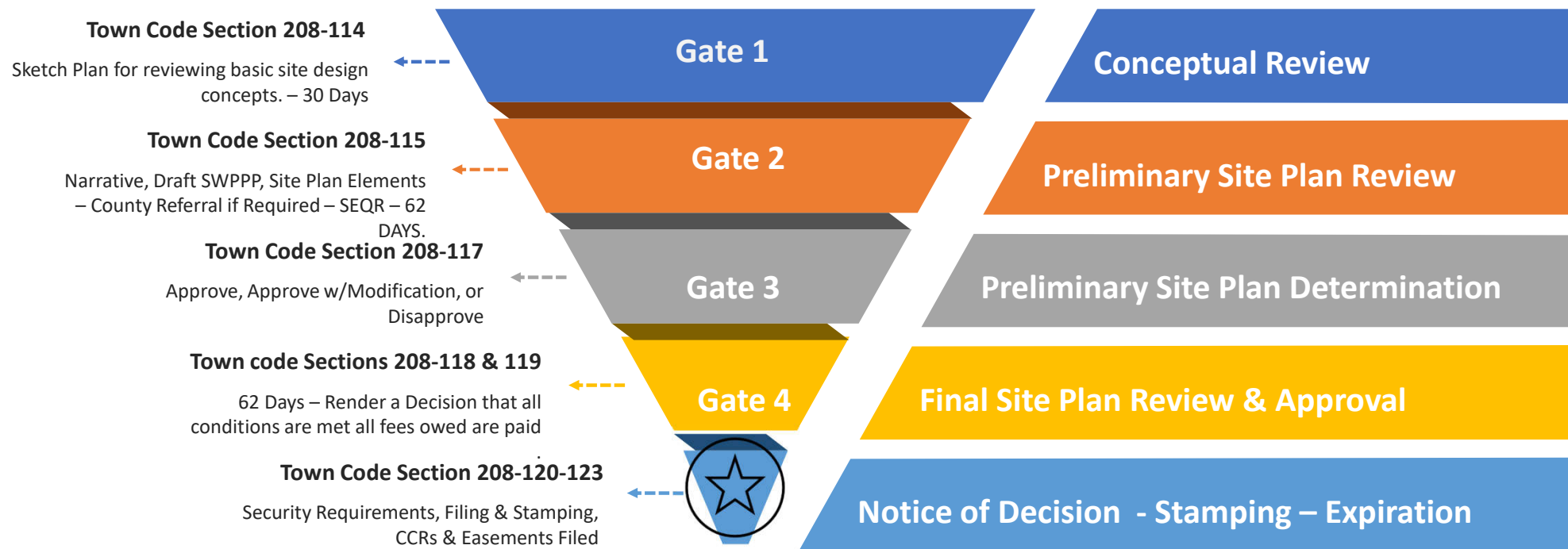


Define Key Performance Indicators

- Establish KPIs that align with the planning board's mission and goals and will be used to measure the success of the review process (Review Process timeline for consideration & decision-making, Action-orientated next step direction).

Clifton Park's Site Plan Stage Gate Process

Free PPT Templates: Allppt.com



Develop Improvement Strategies

Collaborate with the review team (staff, outside stakeholders, i.e., emergency services) to develop strategies for streamlining and enhancing planning and development processes.

- - Review only those elements specifically authorized to be addressed by the local regulations.
- -Pay attention to meeting logistics
- -Assess the situation
- -Extent of powers & responsibilities
- - Define other interested parties & and determine if their positions clear.
- -Identify points of agreement (including criteria for approval or denial)



Prioritize proposed changes based on impact and feasibility (what details may likely get answers as plans evolve v. need more information).

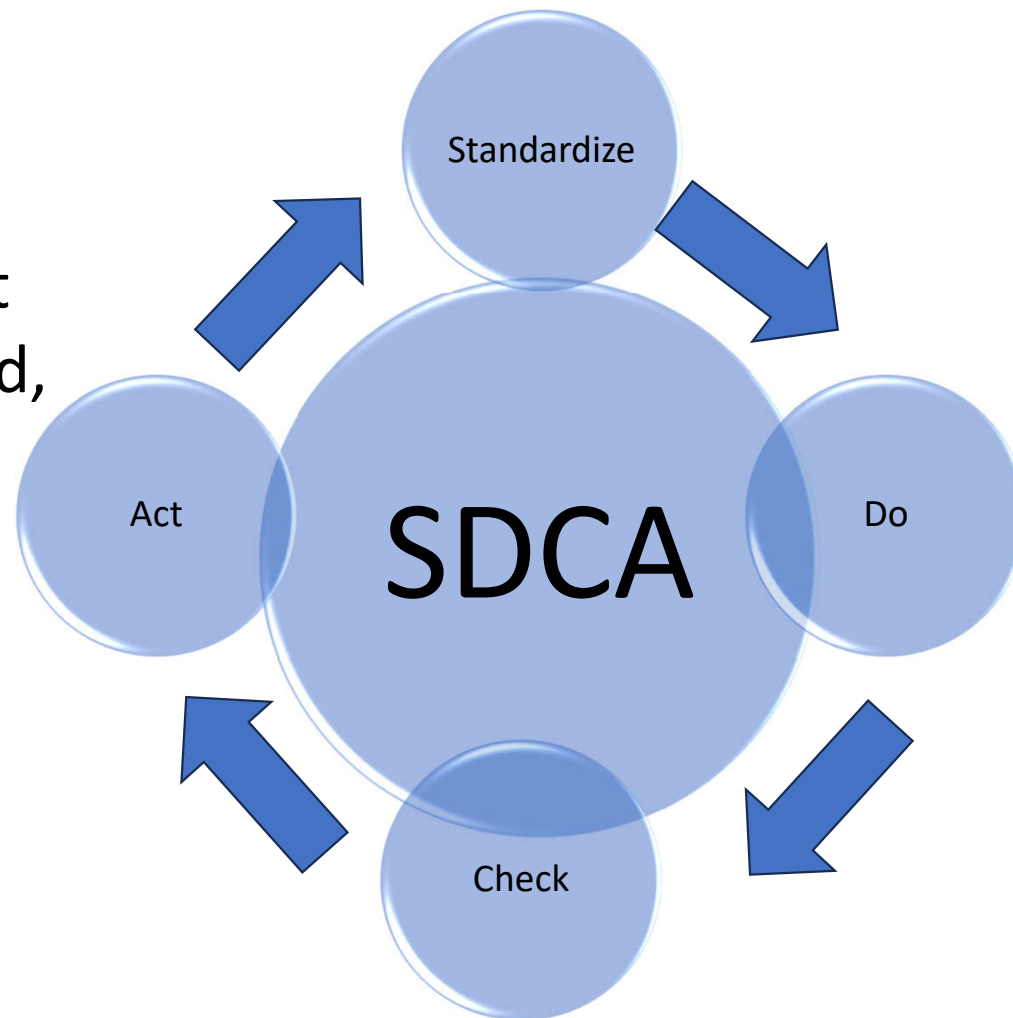
Continuous Improvement

- Follow a culture of continuous improvement within the Planning Board, encouraging staff to identify and suggest process improvements.
- The participants in today's conference are promoting a culture for continuous improvement amongst their own Planning Boards through professional and self-development.



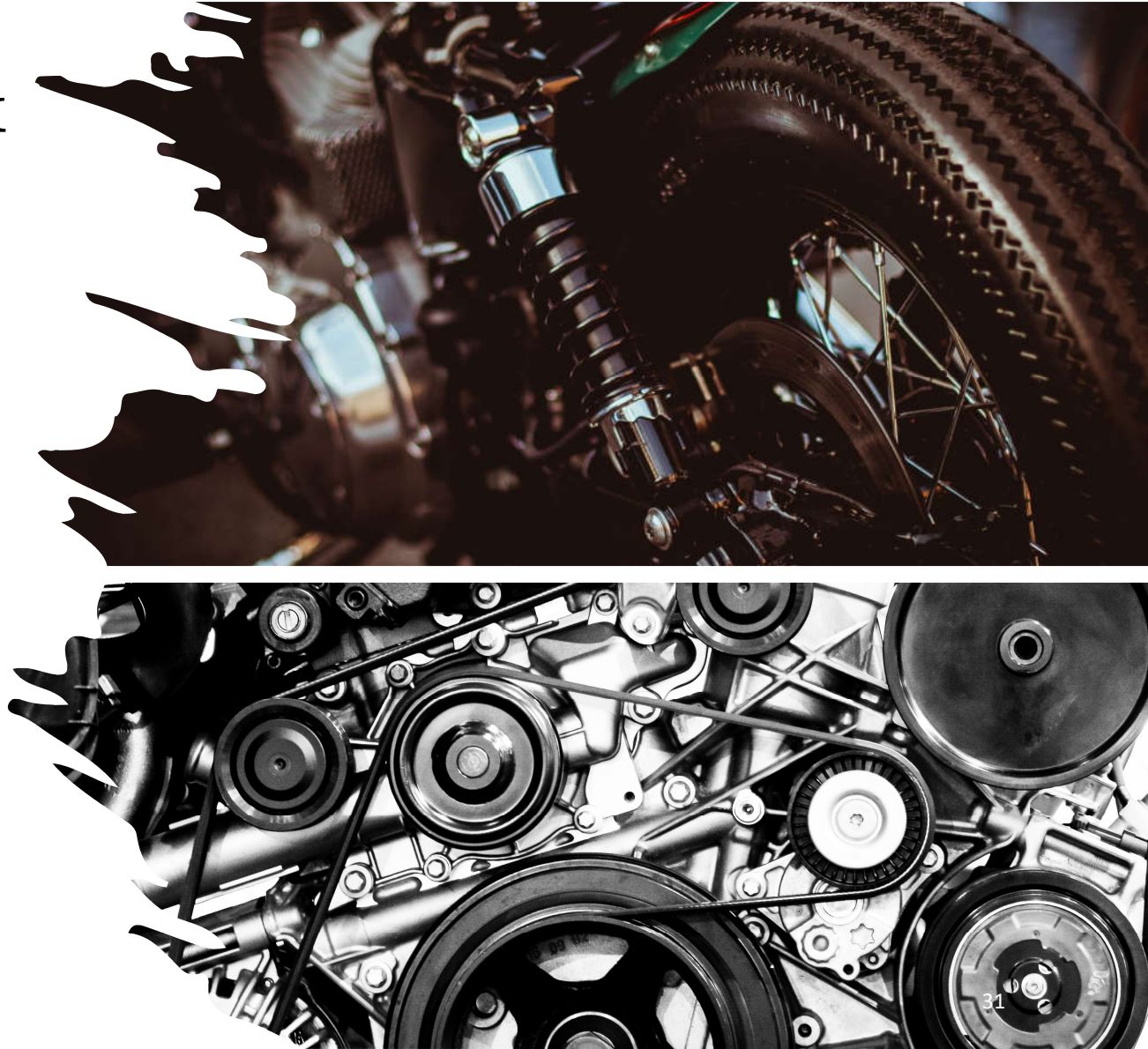
Continuous Improvement

Foster a culture of continuous improvement within the planning board, encouraging staff to identify and suggest process improvements.



Regular Review & Adjustment

- Periodically review the planning board's processes, policies, and practices to ensure ongoing effectiveness and efficiency.
- Make adjustments - Be familiar with your community's comprehensive plan, meeting process, common questions, themes and issues.



Resources

Guide to Planning and Zoning Laws of New York State

<https://dos.ny.gov/system/files/documents/2023/01/guide-to-planning-and-zoning-laws-in-nys.pdf>

New York State Tug Hill Commission

<https://tughill.org/services/planning/>

New York State DEC – EAF Mapper Tool

<https://gisservices.dec.ny.gov/eafmapper/>

Resources

New York State Construction Stormwater Toolbox

<https://dec.ny.gov/environmental-protection/water/water-quality/stormwater/construction-stormwater-toolbox>

Copy of this Presentation available at www.cliftonpark.org

Select Planning & Zoning Department Tab

Improving New York City's Land Use Decision Making Process (2022)

<https://cbcny.org/research/improving-new-york-citys-land-use-decision-making-process>

How to Make Gantt Chart in Excel

<https://duckduckgo.com/?q=create+basic+flow+chart+in+excel&iar=videos&iax=videos&iay=videos&iai=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DzC22yPmc6Kw>

Resources

Town of Queensbury Planning Board Bylaws and Policies & Procedures

<https://queensbury.net/wp-content/uploads/2022/05/Bylaws-Policies-and-Procedures-2022.pdf>

Saratoga County, NY Planning Board Referral Form

<https://www.saratogacountyny.gov/wp/wp-content/uploads/2022/12/SCPB-Referral-Form.pdf>

References

Willis, H., Church, D., Hotaling, J. (1997) *The short course – A basic guide for planning & zoning board of appeals in New York State* (2nd printing). The New York Planning Federation

Kettl, D. F. (2006). Managing boundaries in American administration: The collaboration imperative. *Public Administration Review*, 66, 10-19. [10.1111/j.1540-6210.2006.00662.x](https://doi.org/10.1111/j.1540-6210.2006.00662.x)

Richardson, H. C. (2023). *Democracy awakening: notes on the state of America* (First edition.). Viking, an imprint of Penguin Random House LLC.