The Land Use System: Setting the Stage
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Dedicated to fostering the development of sustainable communities through the promotion of innovative land use strategies and collaborative decision-making techniques.
Today’s Topics

• Welcome and Introductions
• Land Use System: Board Roles & Responsibilities
• Case Law Update: Variances, Sign Regulations and Conditional Approvals
  – Small-Scale Exercise: Bay Window
• SEQRA and Community Character
Who’s in the room?
The Delegation of Legislative Authority

The State Legislature

Town/ Village Board

Local Boards
The New York State land use enabling act delegates authority to **LOCALITIES** to:

- Adopt comprehensive plans
- Zone
- Approve subdivision and site plans
- Issue special use permits
- Award variances
Federal and New York State laws to **PREEMPT** or limit local land use authority regarding issues, such as:

- Utility siting
- Cellular facilities
- Religious uses
- Group homes
1,550+ local jurisdictions in NY
With land use authority

Source: NREL
Project

- Wetlands
- 1 acre
- 50’
- Client’s existing home
- Commercial Office Space
- Two-family house
- 1 acre
Delegation of Authority

Legislature
- Adopt Land Use Laws and Plans
- Site Plan Approval
- Subdivision Approvals
- Special Permits

Building Inspector/Zoning Enforcement Office
- Building permits
- Zoning Determination

Zoning Board of Appeals
- Variances
- Interpretation
- Special Permits

Planning Board
- Advises on Zoning Adoption
- Site Plan Approval
- Subdivision Approvals
- Special Permits
Zoning Must Be in Accordance with Comprehensive Plan
“Among our most important powers of local government is the responsibility to undertake comprehensive planning and to regulate land use to protect the public health, safety and general welfare.”

N.Y. Town, Village, General City Law
Adopt a Resolution that:

• Lists purpose (benefits and findings)
• States intention to plan and regulate
• Adopts a task force/committee
• Authorizes research and studies
• Seeks state and federal funding and assistance
• Develop a community engagement process
APPOINT A TASK FORCE/COMMITTEE

- Charge an existing task force/committee
- Create a new Comprehensive Plan/LWRP Committee
- Must have a planning board member on your Comprehensive Plan Committee
WHO SITS ON THE COMP PLAN COMMITTEE?

• Municipal Officials
• Chamber of Commerce
• HOAs
• Environmental/Non-profit Community
• Historic Preservation Representative
• Developers
• Landowners & Farmers
• Housing Advocates
• Planning Board Member (required for Comp. Plan)
WHAT IS THE COMMITTEE’S ROLE?

• Conducting studies & performing research
• Partnering with adjacent communities
• Leveraging state and federal technical assistance grants
• Developing a community engagement process
• Amending the comprehensive plan
• Considering regulatory changes
TIME FOR A NEW PLAN

- Request for Zoning Amendments
- Social and community needs change
- Local, national, international shifts
COMPREHENSIVE PLAN STRUCTURE

Then

Now
SUSTAINABILITY AND THE COMPREHENSIVE PLAN

- APA Comprehensive Plan Standards for Sustaining Places
- LEED ND Rating System
- NYS Climate Smart Communities Certification Program
- STAR Communities Rating System
MAJOR THEMES

Livable Built Environment          Harmony with Nature          Resilient Economy

Healthy Community

Responsible Regionalism