

Zoning and Planning Boards

Both State and Local laws regulate various types of land use. State laws provide the framework and procedures that municipalities must use when administering local laws. The following Town agencies or officials are charged with the responsibility of administering local ordinances and processes:

A municipality is required to develop and maintain a Comprehensive Plan, which provides a blueprint for long term community development. Zoning laws and municipal codes are enacted to insure that the provisions of the Comprehensive Plan are realized. Officials are required to insure that intended land uses meet the provisions of the Comprehensive Plan, as well as all applicable local ordinances and requirements.

Planning Board

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| Concept Review | All land use changes or intensifications are subject to a Concept Review, however if the impact is deemed minor, further review may be waived. |
| Site Plan Review | When a project is considered to have a more significant impact on the community or neighborhood, a more thorough Site Plan Review is conducted. The Board works with the applicant to insure that the project is within the scope of the Comprehensive Plan. This process also culminates in a Public Hearing, allowing for public input. |
| Special Use Permit | Zoning Laws regulate, permit or restrict specific land uses. Each District has uses that are permitted by right, as well as uses permitted by obtaining a Special Use Permit from the Planning Board. This process culminates in a Public Hearing, allowing for public input. |
| Subdivision of Land | When a landowner elects to divide a parcel of land into smaller parcels, the State of New York requires that the Planning Board administer the process and approve the subdivision. This process culminates in a Public Hearing, allowing for public input. |

Zoning Board

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| Area Variance | When an applicant proposes a structure that exceeds the setback or lot density specifications for the applicable zoning district the application must be denied by the Zoning Officer. Upon notification of denial the applicant may modify the project to meet the Code or apply to the Zoning Board for relief from the provisions of the Code. This process culminates in a Public Hearing, allowing public input. |
| Use Variance | A project with a land use that is not specifically permitted within the applicable zoning district the application must be denied by the Zoning Officer. Upon notification of denial the applicant may apply to the Zoning Board for relief from the provisions of the Code. This process culminates in a Public Hearing, allowing for public input. |

The Zoning and Planning Process – What To Expect.

The procedures that take place when the Village processes an application are required to meet both State and Local laws. When submitting any application be sure that it is complete and all requested information, drawings and dimensions are supplied. Any omissions will result in processing delays.

Master Application

A Master Application is the first step and is required for all projects. Complete only the sections that apply to your particular project. The completed application is submitted to the Village Clerk, receipted and sent to Zoning and Building to be logged into the system. The application is first sent to the Zoning Officer, who checks to insure that the proposed project is compliant with the Zoning and Village Codes. If the application is complete and complies with the local code it is then forwarded to the Planning Board, along with a report from the Zoning Officer. (If the project is not complaint with local codes you will be notified that a Variance is required). Processing each application takes approximately one week.

Concept Review Application.

Most projects in the Village require a Concept Review application, which results in a review by the Planning Board. This process may take approximately thirty days. The Planning Board meets the third Wednesday of each month and may hold additional meeting when necessary to avoid a backlog when the Village receives a large number of applications. The Concept Review is an “overview” of the proposed project. Simple projects are often resolved at the Concept Review meeting, in which case the Zoning and Building officers can finalize the permits. Complex projects may require a more in-depth review in the form of a Site Plan Review. The Planning Board Chairman will supply you with the necessary forms as well as list of requirements that are drawn from both State and Local laws. Your submissions will be reviewed at the next Planning Board meeting.

Site Plan Review Application.

If you received an application for Site Plan Review from the Planning Board return the completed application and all required submission to the Village Clerk. It will be processed and you will be notified of the time and date of the next Planning Board meeting. At this meeting the board will conduct an in depth review of your project in the manner prescribed by State Law. Your submissions will be matched against a series of review standards and, if necessary your project may be modified in order to meet these standards. (This may take one or two meeting with the Planning Board). When the review is complete the Chairman will schedule a Public Hearing. (State Law required a 10 day minimum period for the advertising of all Public Hearings). Following the Public Hearing the Planning Board will approve, approve with conditions, or deny your application. Upon receipt of a written decision the Zoning and Building Officers can issue your permits.

Variance Application

If the proposed project does not meet the requirements of the Village Code it must be denied. The Zoning Officer is required to issue a Notice of Decision which states the sections of code that you must receive relief from before your project can be approved. You will be instructed to submit a Variance application to the Zoning Board of Appeals requesting a Variance from the code. There are two types

of Variances. An Area Variance is required when a project requires “dimensional relief”. For example, a portion of your project is too close to a property line. A Use Variance is required when your proposed use of a property is not specifically permitted by the Village Code. For example, you would like to open an antique store in your home but the code does not specifically allow this type of use in your district. The State requires you to address specific issues in both Area Variance and Use Variance applications. The Zoning Board of Appeals is required to review your application using a set of standards set by the State. The Zoning Board of Appeals meets on an “as need” basis. Once your application is processed it is subject to the required 10 day minimum period for the advertising of all Public Hearings. The Zoning Board of Appeals generally resolves most applications the same night of the hearing, voting to approve, approve with conditions, or deny your application. Upon receipt of a written decision the Zoning and Building Officers can issue your permits.

Special Use Permit Application

In each Zoning District the Village Code lists specific types of uses that are permitted by right as well as specific types of uses that are permitted by Special Use Permit. If your project is listed as a Special Use you can apply to the Planning Board for a Special Use Permit. (If your project is not listed “by right” or by “Special Use” then it is “not allowed”, therefore a Use Variance is required.) The Planning Board will meet with you and review your application. They will notify you, in writing, if any additional information is required. Once all required information is submitted the Planning Board will schedule a Public Hearing. Following the Public Hearing the Planning Board will vote to approve, approve with conditions, or deny your application. Upon receipt of a written decision the Zoning and Building Officers can issue your permits.

Subdivision of Land Application

When any deeded parcel of land is divided into two or more parts the State requires that an application for Subdivision of Land be submitted to the Planning Board. Subdivisions in the Village of Hammondsport are rare because there are few lots large enough to be legally divided. The process begins with a Preliminary Application for Subdivision which will be reviewed by the Planning Board. The Planning Board will help you determine if the proposed subdivision can meet both State and Local requirements, adjusting your plan if necessary. The Board will supply you with a specific list of required documents and once they are submitted the Board will schedule a Public Hearing. If your proposed subdivision meets all State and Local requirements the Board must grant it. If the proposal does not meet any State and Local requirement the Board must deny it.

Public Hearing

The State requires that a Public Hearing be held for many of the processes that are administered by a Planning Board or a Zoning Board of Appeals. The Chairman of the Board will set the date for the Public Hearing. The time and date must be posted in the newspaper and posted at the Village Office. Your application and all supporting documents must be made available for review by the any interested parties for at least ten days prior to the hearing. Property owners in the neighborhood affected by your project will be notified by mail. Your proposal will be discussed at the hearing and all interested parties will be permitted to comment or ask questions. Following the close of the hearing the board may make a decision or schedule a meeting at a later date.