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Memo

To: Town of Ancram Town Board

From: Nan Stolzenburg FAICP CEP

Re: Planning Process Evaluation

Date: January 25, 2022

The Town Board tasked me to learn more about the planning process in Town, evaluate its strengths and weaknesses, and offer recommendations for improvement. I conducted this evaluation and reviewed the process that subdivision and zoning applications take from the time they are submitted through approval by the Planning Board or Zoning Board of Appeals, and issuance of a building permit. I conducted a series of interviews with members from the CAC, Planning Board, and ZBA, and staff from the Planning Department and Building Department. The interviews were conducted on 11/21/22 and 11/22/22. I met with the Planning Board to go over these recommendations and then received, and integrated further suggestions from them in this report.

The following offers my observations on the issues that were uncovered and a list of recommendations that could be put to work to improve efficiency and outcomes. I would be happy to talk to the Town Board further as needed.

Summary of Issues and Priority Recommendations

Because there were quite a lot of issues and many ideas to address those issues, I have summarized salient points below followed with details:

Overall, I feel that there is room for improvement to help the flow of a project and its application. While the zoning is clear that the CEO receives applications, it becomes less clear in practice how the application progresses from there. The roles of CEO/Planning Staff/PB and ZBA, along with where consultants are or may be interjected is not clear. Lack of understanding of who does a preliminary review and when an application is 'ripe' to be put on the ZBA or Planning Board agenda are also unclear. Inefficiencies and lack of communication further hamper the process. More attention needs to be placed on the process from Planning Board decision to issuance of a building permit which is also in need of addressing.

To address these (and other issues articulated below), my priority recommendations include the following. These are further explained in a later section of my report.

1. All staff and boards should not allow any application that has been submitted 10 days or less from the meeting to be placed on an agenda. The 10-day period is critical to ensure review board members and consultants, as may be needed, have time to review the application. This is a critical issue to address.
2. The CEO should start the review process with a zoning verification using a standardized form that identifies whether the project is allowed, what review it needs, and whether a variance is needed from the ZBA. This should be the first step.
3. Project checklists for all applications should be developed. This has been noted as a priority by all interviewed. The checklist should be used to determine whether an application is even ready to be put on an agenda. It should be used by all levels of review (staff, consultants, PB and ZBA) at each stage (sketch plan, pre-public hearing, post hearing, final, etc.). Consider including an NRI checklist to accompany the application in order to make sure all natural resource information was reviewed.
4. Institute a preliminary review of at least some types of projects by a consultant (planning, legal or engineering) to identify specific parts of the zoning or subdivision that apply, offer initial review of the project for consistency with zoning/subdivision, identify specific topics/ questions the reviewing board should explore, and identify if the project is one that likely would need escrow for further work and/or inspections. (Note existing zoning already establishes rules for escrow for inspections by engineers for SWPPP and other technical areas).
5. When the Planning Board votes to approve, approve with modifications, or deny a subdivision, site plan, ASPR, or special use permit, they need to have a resolution passed at the meeting to do so. At the very least, they need a resolution or approval form ready to be signed and filled out at the time of approval that can be filed within 5 business days (as per the zoning). In this way, if approved, the applicant can get their building permit to proceed in a timely fashion.

Full List of Identified Issues

A. Preliminary Project Review and Determining Completeness for Review

1. **Too Much leniency Regarding the 10-day Submittals Prior to Meeting.** A very common concern expressed by many interviewed included the inconsistent application of the rule that application materials need to be submitted 10-days before the Planning Board or ZBA meeting in order to get on the agenda. These dates are established in the zoning law and its purpose is to ensure that members (and consultants where needed) have materials in enough time to review the materials and for time for posting and public information. Last minute additions to the agenda can also be frustrating to the applicant if they get on the agenda prematurely - only to be told their application is not complete for review and come back another time.
2. **Review at Board Starts Before Application is Ready.** A very common complaint was that applications are getting to the Planning Board and the Zoning Board of Appeals meetings before they are ready. This relates to the issue above. This wastes time, is frustrating for applicants, and makes for an inefficient process. Neither board desires to start reviewing until the application has at least been determined to meet the minimum standards of the law for an application.
3. **Lack of Determination of ‘Completeness for Review’.** There was a lot of discussion about ‘completeness’ of an application. There is uncertainty as to who does this, when, and what makes a complete application. (Nan’s note – there is ‘clerical completeness’ which is

identifying if all the required materials from the zoning law have been submitted. Then there is 'completeness' which is discussed in the zoning law and defined – meaning the Planning Board determines that the application is complete for review. This is a pretty big difference and issue, and it appears as if the review board often gets applications that are not even 'clerically' complete. This goes back to the initial review of the application and desire by the Planning Board to not have things put on the agenda until there is a preliminary review to determine if they are ready or not.) There is a desire for more preciseness in determining completeness. There was also desire for more formality – such as by use of a checklist – for both staff, review board and applicant. Completeness of site plan map is a big issue. The Planning Board doesn't want to see an application until it has 'clerical completeness' – meaning that all the minimal submissions as per the zoning law are provided. Nobody really knows who the appropriate entity is to do completeness review prior to referral to Planning Board.

4. **Uncertainty About Application Submissions.** There was general consensus that applicants do not have enough information to prepare a project that is ready for review. Sometimes, it was felt that too much information is given to the applicant which can be confusing and overwhelming to those who are unfamiliar with these processes. This also leads to more work by staff, and applications that are not ready for Planning Board review. This uncertainty about submission expectations by the applicant is an issue – it is both staff intensive and inefficient. There is work needed on application information needs and process to make the review process easier and more straightforward.
5. **Lack of Inspection of SPPP Requirements.** Several people mentioned lack of training regarding implementation and inspection of Stormwater Pollution Prevention Plans (SWPPP) at the end of the project. This relates to the concern that no staff has time or training to do field inspections for the SWPPP to ensure the project was built as approved. There was a concern about a general lack of follow through with SWPPP requirements. Self-monitoring is not working and there is need for expertise to ensure that the stie is developed according to the SWPPP approved. This work should be built into escrow and/or permit fees.

B. Communication

1. **Not Enough Detailed Discussion During Project Review.** Concerns were raised that there is often lack of good dialogue or discussion of projects at Planning Board meetings. Various reasons were given for this including having a packed agenda and time limitations, but also because of limited preparation for meetings by members. Several noted that the special meeting held for Iron Star was very effective with good dialogue, discussion, and sharing and this was attributed to being able to concentrate on the project as well as having facilitation by attorney and consultants. There is a lot of work for the Planning Board to do in one meeting so some thought maybe it was too hard to get into detail and engage in the kind of conversation needed, and that the larger projects may need workshop meetings (like those held for Iron Star). The Planning Board should consider holding workshop meetings for large projects and for those that use the Full Environmental Assessment Form.
 - A common comment was that there is need for more expertise given for a project review at the very earliest stage of the submissions. There seemed to be a consensus on the need for project consultant review to expand the expertise and direction for the reviewing board, at least on some applications.

2. **Uncertain dynamics between the CAC and Planning Board.** This results in the CAC not knowing if their work is adequately considered by the Planning Board. The Planning Board recognizes that the CAC's work is advisory and that they have to follow the confines of the zoning. Although CAC advisory opinion is written into the zoning as a discretionary part of the planning process, there is no guidance as to how the Planning Board considers or weighs the information received. There does not appear to be a lot of communication between the CAC and the Planning Board after submittal of the CAC Advisory Opinion.
3. **Interpersonal Issues.** There are unsettled dynamics between staff.
4. **Voice Mail.** The Town Hall voice mail phone system for J Hoffman still directs people to leave a message for Colleen. This is out of date and confusing.

C. Zoning Law Issues

1. **Difficulty Finding Standards in Zoning.** Most commented on how the zoning law is complex and it is difficult to find things, or in some cases, even know there is a development standard that applies to a particular project. The general sentiment was that it is hard to find things in the law and that things are easily missed. There is a general feeling that there is not enough training for Planning Board and ZBA members and more frequent, but shorter training sessions being offered on sections of the zoning could help address this. Some feel that not all zoning requirements are being adequately followed – in part due to difficulties in knowing that certain rules exist for a specific project.
2. **SCOZ Effectiveness.** Concerns were raised that the Scenic Corridor Overlay Zone (SCOZ) is not well crafted, is confusing, and that it doesn't adequately protect the scenic character there any longer for the types of development being proposed there.
3. **Other Zoning Law Issues:**
 - a. One weakness in the zoning law identified was that stormwater and erosion needs to be better addressed in the zoning law. There should be a development standard that there be zero percent change in runoff due to development.
 - b. Another weakness in the zoning law was felt to be the section that requires setbacks of agricultural buildings tied to 10% of area of building. It was felt that this is unrealistic. This often gets waived, and they are unsure why ag buildings are forced to go through this. This standard may not meet NYS 25-aa rules. This leads to the need to relook on uses in the Use Table. Farm operations in the NYS Ag District should not have to get SUP. *(NS note – the section in question is: For slaughterhouse, veterinarian clinic/animal hospital/animal clinic, tannery, commercial kennel, barns and stables, private barns/stable, indoor or covered training arena, greenhouse/hothouse, silo/bunk silo, and equipment sheds, there shall be a setback equal to a distance of at least 10% of the square footage of the proposed structure, plus the applicable required side and rear setbacks established in Table 2 from the property line of any existing adjacent residence. In no case shall the proposed structure be sited closer than the side and rear yard setbacks established in Table 2.)*
 - c. Another zoning change desired was to define front yard as it is confusing to PB. *(NS note – there is a definition in the zoning, so I am unsure of what is confusing.)*
 - d. Both Planning Board and ZBA expressed concern about why the zoning requires referral of the variance application to the Planning Board for an advisory opinion. The ZBA felt

this was not important for area variances but did feel a referral to the Planning Board may still be needed for use variances. The ZBA wants a more precise process. A referral can slow down the process and can add at least a month to a variance request. However, if a referral does take place, the ZBA should not refer it until it has deemed the application complete for review, and then the Planning Board should not be asking for further information in order to make their advisory opinion. If additional information is needed, the Planning Board can include that in their opinion.

- e. Use of the term “*to the maximum extent possible*” or similar is used in many places in law. It is not well understood and vague. Some feel when this exists, the standard is ignored. It should have clarity via a definition, along with training so that all parties understand what it means. Or it should be removed from the zoning law where it is not helpful. (NS note- that term is used 35 times in the zoning law.)

D. Time Frames and Process Flow

1. **Inefficiency in Getting Building Permit after Project Approval.** Several commented on the time frame needed after Planning Board approval to get a building permit. The process after Planning Board decision at a meeting may be inefficient. From what I understand, it is: Planning Board approval at a meeting, then minutes are prepared followed by drafting of approval resolutions and then signatures by the Chair. Only until that happens is the building department able to issue a building permit. This has resulted in delay in applicants being able to get their building permit. Resolutions for approval are worked up from minutes after the approval. There needs to be a better process that efficiently moves the application from Planning Board approval to building permit issuance. It’s the paperwork trail that needs improvement. Having a pre-drafted resolution with an area to record (by hand) additional conditions with much of the language pre-entered would allow the chair to sign the resolution that night and it can be delivered to the Building Department well within the five day timeframe.
2. **Difficulty Sharing Submissions with Planning Board.** Many concerns were raised about having an inefficient and difficult system for getting application materials to PB and ZBA members. There are no mailboxes for them in Town Hall, and submittals are left around the conference table for pickup by members. This system is disliked by members who often can’t get to Town Hall when it is open, or in the time frame before the meeting. The reliance on having members come in to pick up materials along with easy transfer of documents was noted as a difficulty.
3. **Delays in Getting Minutes Done.** There does not seem to be enough time some months to get minutes from the Planning Board done along with all the other work that needed to be done. A priority should be placed on getting minutes completed soon after each meeting.

E. Fees

1. **Better Tracking of Fees.** There is need for better recordkeeping of the money that comes in for permits, billing and paying for costs (such as for legal notices), and accounting by project. A better and more coordinated mechanism to track money in and out by project is needed.
2. **Increase Application Fees.** Application fees are not sufficient to cover real costs related to the review and processing of a project. Some mentioned the need for substantial increases in fees to reflect the reality of work that is actually done on applications. There are some instances

where a higher fee could take place of collected escrow. Generally, the fees were seen as too low by some, who also thought that the majority of applications were by people who can afford it.

3. **Examine How Escrow is Established. Revisit the Escrow Law.** The question was raised as to whether staff or the fee schedule can establish escrow (a set amount to start off with) so that there is no delay by having to have the Planning Board (or ZBA) approve it. Could a fee schedule set an escrow up from the beginning, at least for certain applications? The question was raised as to why wait for the Planning Board or ZBA to agree to collect escrow. Lack of getting escrow right away slows the process, prevents consultants from being involved early to advise, etc. There should be a mechanism to get escrow easily and earlier. This probably needs attorney input. *(NS note - Local Law 1 of 2004 was the law established to collect and administer escrow monies.)*

F. Other

1. **Applicants don't know how to fill out SEQR form.** This takes a lot of staff time to help them but is essential to meeting State law and local zoning standards.

Consultants Recommendations

Ultimately, Ancram's planning process should convey that you are applicant-friendly, but that there are clear performance expectations for development projects. This is what the zoning demands. The theme should be that if those expectations are met, then there will be a 'yes' at the end of the process. This is an overall goal to strive towards, and I hope the following recommendations will help move you towards this. Based on the information above and the issues/concerns raised, I offer the following recommendations for the Town Board to consider.

A. Preliminary Project Review and Determining Completeness for Review

1. **Stick to 10-Day Requirement.** The Building and Planning Departments must stick with the 10-day prior to meeting deadline for getting projects on agenda, with no exceptions. I recognize that this is sometimes hard to do, and applicants can get frustrated over this, but it is in the local law, and it is a very important time frame to meet. The Town can prepare applicants for this better by putting this rule on all application forms, and on the website so it is clear what that expectation is. Some members of the Planning Board note that having more than 10 days may be needed.

B. Communication

1. **The Town should clarify who gets projects and who is the initial point of contact.** There is need for clear roles and understanding of who does what, and under what time frames. These are administrative procedures not part of zoning. A flowchart showing the steps from walking in the door to getting a building permit should be developed. It should clearly identify who will do what checklist for what portion of project. Deadlines and time frames should be included.

- a. One of the issues identified is that applications are received via email, mail or in person and at all different times. This may disrupt workflow and concentration of tasks at hand. It has been suggested that it be advertised that applications made in person be done by appointment only or at certain set times of the week. This is a good idea, but I also know it is hard to turn someone away when they are standing there in front of your desk.
2. **Develop Job Descriptions.** Develop 'job' descriptions for Building Inspector, Planning Department staff, Planning Board and ZBA members and consultants so they clearly know their role, Town expectations, etc. in this process. As mentioned above, a clear flow chart (or organizational chart) of who does what, when and how will help with the common understanding of this process.
3. **Improve Sharing of Information Between Staff and Boards.** Create an online Planning Board and ZBA member accessible location where documents can be downloaded and easily reviewed. One file folder per application will make it easier for Planning Board members to find all materials related to a project. Alert emails can be sent to members when new materials are posted in that folder. To make this happen, all applications would need to be made available digitally (*NS Note – many municipalities require this anyway.*) You can set up a review board share site, online mailbox system, or other digital mechanism to get all documents to members easily. Related to this, the Planning Board notes that it is complex to know which submissions have been updated. With multiple emails per project, it gets difficult to track. Any share folder setup as recommended here should be sure to date all files, so it is easy to determine what is new or not.
4. **Make Information Available to Public.** Have all documents that have been submitted and on a review board agenda to be made available online for the public. The Town website can have a planning board page that makes these all available easily.
5. **Update the Town's phone voicemail system messages.**
6. **Establish set meeting dates for both Planning Board and ZBA.** This will be important so that if applications come in, the 10-day rule can be adequately applied. If there is no work that month, then meetings can be canceled.
7. **Approval Conditions Must be Adequately Conveyed to Building Inspector.** A concern was raised about construction taking place that does not equate to the way projects were approved by the Planning Board. This may stem from the building inspector/ZEO not being aware of what the actual Planning Board approval was. A written resolution outlining those conditions, as well as good communication between the Planning Board and the Building Department is needed so that inspections specifically look to see if zoning conditions, and approved site plans are being followed through with. Perhaps having an inspection checklist might aid in that as well.
8. **Get Planning Board and CAC Together.** I suggest the Planning Board and CAC meet to discuss how CAC advisory opinions are used. The CAC puts a lot of time into site and map reading and site visits. Their input is very valuable. Some places use their CAC as the group that does the site visit or offers advisory opinions on the SEQR. While the Planning Board must work within the development standards of the law, the CAC information can help improve lot layout and development proposals. The CAC can be a big help by doing that environmental review for the Planning Board. An open dialogue between the two groups sounds like a good idea to help ensure the zoning's environmental perspective is addressed. Further, the Planning Board, ZBA

and Building Inspector should receive regular training on the NRI, its maps, and how to use and integrate that information into project reviews. Another idea is to have a representative of the CAC attend the Planning Board or ZBA meetings to offer further detail on the CAC's written report.

C. Zoning Law Issues

1. **Create an Index to the Zoning Law to make it easier to find specific topics.** When this was suggested during interviews, it was highly recommended. The index would be very helpful to find specific topics in the law. Another option is to get the town laws on General Code Publisher. This is an online service that puts all your local laws in a code and on a searchable website. An index may still be important, but the General Code Publisher creates codes that are searchable by keyword.
2. **Require Digital Submissions.** Update Zoning and subdivision laws to require digital files of everything to be submitted. Paper copies should be available too, but digital versions are a must. Members need everything digitally to look at as this will enable them to be more familiar with application materials. People don't have time to drive to Town Hall to get the papers.
3. **Update zoning rules related to stormwater to reduce runoff flow.**
4. **Review use table and setback rules for agricultural building.** To continue the Town's farm-friendly rules, review ag building ASPR and ag building setbacks to ensure they are consistent with NYS 25-aa rules (*NS Note - I do not think they all are currently*).
5. **Reconsider Planning Board Referrals for Variances. Have** the ZRC look at the zoning to reconsider requiring ZBA to refer their actions to the Planning Board. If the referral stays in, the zoning should clarify what the Planning Board can do with that referral (such as can they just make an advisory opinion or can they ask for more information that may take months). (*NS Note - If the Planning Board feels something is missing, that should be their advisory opinion.*) Further, if the referral stays in, then the Planning Board should review only applications deemed complete for review. Establish better procedure so that the Planning Board referral is not a huge time delay factor. Both boards agree that it doesn't make sense for the Planning Board to offer an advisory opinion on area variances. Consider removing that but keeping the referral for use variances.
6. **Review ASPR Triggers for Review.** The Planning Board currently has a lot of ASPR for single family homes. Consider having the ZRC review ASPR triggers and orient them more towards ASPR triggers for when the proposed building envelope touches the stated natural resources, not just on parcel. Large lots may not actually need ASPR, but since it is oriented to a parcel, it triggers review.
7. **Rethink Use of 'Maximum Extent Possible' Language.** Update zoning to define 'to the maximum extent possible', consider limiting its use, and provide more clarity on methods, steps, and expectations for what this means when the project is being reviewed.
8. **Review and update the scenic overlay district.** This has not been done in any of the ZRC work so far, and it may be time to do so.
9. **Improve Public Postings.** To further inform the public, ensure that each month's is posted online along with the project submittals. Also, consider updating the zoning to require use of signs posted on the property indicating that the parcel is subject to a subdivision, site plan or special use permit application.

10. **Reconsider the 10-Day Time Frame.** The ZRC should examine the feasibility and desirability of increasing the 10-day time frame for applications to be put on the agenda.

D. Time Frame and Process Flow

1. **All Forms and Checklists Need Improvement.** Checklists are needed to identify, for all parties involved, if the required feature/element called for in the zoning has been provided for in submissions, at least minimally. Whether those features are adequate or not is a different review: The adequacy of those elements is a different review to be done by the reviewing board and their consultant(s). The checklist simply lists all the required documents from the subdivision or zoning laws used to determine if the application is even ready to move on to Planning Board or ZBA review (called 'clerical completeness').
 - a. There needs to be multiple checklists for all involved (Planning/Building Department, Planning Board, Consultants, ZBA and others) to use. Each review process should have its own checklist. I understand there is currently a checklist for ASPR applications, but use of a checklist for all processes should be a critical part of the initial project review. If an initial review shows that the required materials are not yet in the submittal, then it should be deemed not ready for referral to the Planning Board or ZBA. It is up to the applicant to ensure that all submissions are prepared. The Planning Board and ZBA can still request other information or changes to that information when it is reviewed for content, but they need to have applications that are ready for their review.
 - b. A checklist is just as important for applicants so that they clearly know what is needed and expected in order to have their project reviewed. At the same time, a subset of this recommendation is to make it clear to applicants that a) the project won't be referred to the review board until the items are provided.
 - c. All applications have these checklist information needs. The Town should have efficient tools to tell applicants what is needed in order to get to the Planning Board or ZBA.
 - d. All forms should be updated for all types of applications and permits and kept up to date as zoning law or other regulations are updated. Keep these up to date and relevant and have an annual or every two-year review of forms to ensure they still work. Consider creating fillable pdfs that are available on the Town's website.
 - e. It was also suggested that an NRI checklist be developed so that all maps and data included in that inventory be reviewed. It is noted that for ASPR, the NRI review is important because that is what triggers a project to come before the Planning Board and is another reason why an NRI checklist is important.
2. **Determine Who Fields Planning Questions.** Now, it seems that applications sometimes go to the Building Department, sometimes Planning. Both field questions. While it could be either office, I suggest it really shouldn't. The Town should decide who is the point of contact and be consistent about it for all applications and questions. In many communities, this initial point of contact is the office of the building inspector, but not necessarily the Code Enforcement Officer if there are other staff. Building Code issues are different than Zoning Law issues. I think the Town needs to clarify and decide how calls and applications are fielded and addressed, and by whom.

3. Detail The Project Flow.

- a. **Develop Process Flow Chart(s).** A flow chart should also be a companion to the checklist so that staff, boards, consultants, and applicants have an outline of all the steps for each process. The flow chart should be easy to read/graphic and with specific ties (or links) to the appropriate section in the zoning law for ease of finding details out. Checklists and flow charts should be sure to be posted online for people to follow.
- b. **Ideas for Process Flow Chart.** Ancram’s zoning law clearly indicates that it is the building inspector that is the person who gets the application submittals. This is fine, but then we need to have some additional detail on the process from there. I suggest a process having components similar to:
 - i. The CEO gets applications.
 - ii. The CEO uses a ‘zoning verification’ form for basic information about the project and his initial determination. He would concentrate his initial review only on evaluation of whether the use is allowed in that district, under what review process (ASPR, SPR, SUP, Subdivision) or whether just a building permit is needed. This is a ‘zoning verification’. It is not a review of any standards or adequacy at this point – but simply what it is, what review process is needed, and which review board it goes to. If it is for a use that needs no planning board referral, then the Building Inspector would then evaluate the plans for dimensional or development standard consistency with the zoning. If it is consistent, they issue a building permit.
 - III. If the application is not consistent with basic zoning requirements (use and dimensions table), then the building permit is denied, and the applicant is referred to the ZBA as per the zoning.
 - IV. If the application is consistent, the zoning verification form, filled out and signed by the CEO, would be attached to the application materials and then referred to Planning Staff to prepare the application for the Planning Board. This zoning verification form should be designed so that it has clear information about what the project is and what review process is required.
 - V. Then the preliminary review of the application for adequacy is started, and checklists are used. If the fundamental pieces as required in the zoning are in place, and it is 10 days prior to the meeting, the application gets put on the agenda. If not, it is given back to the applicant with instructions as to what is needed. As above, nothing gets on the agenda if it is submitted to the Town after the 10-day timeframe. (*NS – note – as you can see why this 10-day time frame is critical.*) At this point, the Planning Staff would refer to the consultant, if needed (see next step).
- a. **Initiate a preliminary review process with a consultant and other professionals.** This could be for all applications that need ZBA or Planning Board referral, or for specific applications that may be more complicated such as site plan review, major subdivision, and special use permit, applications in the SCOZ or applications for projects on the Town’s Type I list. If the consultant does preliminary review for a subset of application types, the Planning Staff should do a similar review for ASPR and minor subdivisions before the application goes to the Planning

Board. The preliminary review costs should be built into the application fee. These preliminary reviews are not super detailed but enough time (usually 2 or 3 hours at the most) to go through the checklist to see what is submitted and identify areas of concern or specific topics for the Board to discuss. The consultant should identify those sections of the local law(s) that are relevant to the application.

- b. This preliminary review should be done first before applications get to the Planning Board or ZBA so that the boards have the information they need to move forward with.
 - c. This review should result in an application that is ready for review by the Planning Board or ZBA and the application is put on their agenda. The Planning Board or ZBA can ask for other information, studies, or submissions and no application should be deemed complete for review until that has happened. No public hearing should be established until the board makes that determination of complete for review.
 - vi. For each application, the Planning Board or ZBA should have a form that they use when they determine the application is complete for review. Remember that none of the required time frames in the local law apply until they determine the application is complete for review. When it is not, they send it back for additional information. When it is, the Board should pass a resolution at the meeting that indicates the application is complete for review. I recommend they use a resolution template that has the general language and places for them to fill in the project name, application, date, and decision that the application is complete for review. *(NS note – this template can be a simple resolution that has the language needed, and they fill in the basics so there is an immediate record for all that the application can move forward.)*
4. **Emphasize Sketch Plan Meetings.** The Planning Board should rely more on the sketch plan/pre-application meeting more. These are processes built into the zoning, and should be worked into the process more, especially for larger projects. This is beneficial to familiarize the Planning Board with the project idea, and for the applicant to get informal feedback before large amounts of time and funds have been expended. Preferably, this should take place early, and be woven into the flow chart/time frame. It is unclear if these are being conducted or being conducted in a way that results in the applicant knowing more about what the Planning Board is concerned about.
5. **Do Not Hold Hearings Until the Application Has Been Determined Complete for Review.** I feel very strongly that some of the issues Ancram is dealing with are because of premature setting of the public hearing before any kind of review has occurred yet and before ‘completeness’ is determined. The reviewing board must take the time to make sure all the application materials are in order, and that they have all the information needed in order to do a thorough review.
- a. The question has arisen as to whether the hearing should come before the SEQR review or after. SEQR is designed to be done as early in the process as possible. As per 6NYCRR Part 617, a complete application is one that has either a negative declaration or a draft environmental impact statement. Realistically, it will be a case by case basis: For some applications, going through the EAF first will lead to more information that the public will then consider. In other cases however, the public often adds concerns that the Planning Board looks into during the SEQR process.

6. **Pass Resolutions at the Meeting, not Later.** The zoning law requires that the Planning Board or ZBA decision is filed within 5 business days. That means that we can't wait for Board minutes to be developed, resolutions signed, etc. The process needs to be simplified at the decision-stage to meet that 5-day period so that applicants can get their building permits shortly after. To do this, I recommend:
 - a. The Planning Board either prepare their resolutions¹ before the meeting (you can use a template for an approval, approval with conditions, or disapproval that gets filled in at the meeting) or have a 'decision form' that gets filled out, signed, dated, and then filed immediately after the meeting. The resolutions should not be developed after the decision. The form can include space for specific conditions that will be placed on the application (if any). When approved or conditionally approved, this should then be filed, and then used to get a building permit. I believe the ZBA uses a form like this, and it could be adapted for the Planning Board. The Planning Board, however, must work to have their final decisions filed as per the zoning law within 5 business days.
7. **Consider Rotating Project Review Among Members.** One suggestion that was offered was that each month, a different member of the review board could be assigned a project to review in more detail. That person would report on this project when it came up on the agenda. This would take some of the burden off the Chair and would further engage board members.
8. **Consider Planning Process Software.** To help with the process, the Town could also consider purchasing and using Planning Review software (permit software). There are many out there, and they are designed to do exactly what this memo is trying to get at....coordination and tracking to move projects through the review system. Some programs to look into include civicgov.com; govpilot.com; smartgov.com; cloudpermit.com; permits.com. There are others too. I understand that at some point in time the Town used BAS software. Is this not used anymore?

E. Fees

1. **Review Local Law 1 of 2004 (Escrow).** Allow for escrow to be collected earlier and easier. Ensure that there is escrow for inspections at the end as per the inspection fee escrow already included in the zoning. Involve attorney in review of this law for improvements. Consider setting escrow as a percentage of the total cost of the project with provisions for reducing or increasing that based on the particulars of the project.
2. **Update fee schedule** to reflect real expenses related to project review. You can avoid some escrow fees if the initial permit application fee is higher. The initial fee should be enough to cover preliminary consultant fees as discussed above. Be sure the Fee schedule adopted by the Town Board reflects the escrow to be collected for inspections.

F. Other

1. **Use Escrow as Established in Zoning for Inspections.** Although several members mentioned that the SWPPP inspections are difficult and that there needs to be a mechanism to establish escrow to ensure that engineer expertise is available when engineering components

¹ Note that resolutions can be written in a less formal, and easier format by using numbers instead of a multiple "Whereas" clauses.

are included (such as SWPPP), the Zoning Law already allows for this so that a professional engineer can be hired. It is critical to ensure that the conditions and site plan approved by the review board are followed through with. Zoning establishes performance guarantees, and inspection already. All need to be aware of this and follow through with it. The Town Board needs to add 'inspection fee or inspection escrow' to the fee schedule and ensure that a consulting engineer is onboard for all these inspections.

No final occupancy permit should be issued until the professional engineer who did the inspection OK's the project. There needs to be more follow through to ensure that projects are built as per the approved plans, and this is accommodated for in the zoning:

4. Inspections. Prior to the Planning Board Chairman or his designee signing the site plan, the applicant shall pay to the Town Clerk an inspection fee escrow established by the Ancram Town Board. Inspections during installation of improvements shall be made by the engineer retained by the Planning Board, and/or Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the engineer retained by the Planning Board and Building Inspector when each phase of improvements is ready for inspection. Upon acceptable inspection and final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance guarantee as designated in the contract to cover the cost of such completed work.

2. **Consider More Planning Staff Time.** Consider if Jayelle Hoffman/Planning Department needs more staff hours. Could more hours and a more defined process help improve efficiency, convenience, coordination and outcomes?
3. **Develop More Organized Filing.** Develop a more unified filing system at Town Hall for applications – whether they be on paper or digital. One file cabinet or location for all applications could be helpful so that the building department and planning department have easily organized and accessible documents. Better filing and organization of applications could help.
4. **Find Efficient Ways to Help Applicants with SEQR Forms.** Create ways to help people fill out Part I of SEQR form. This is required for all applications going before the ZBA or Planning Board. I think J Hoffman takes a lot of time to help folks with this. Perhaps there are other, more efficient ways to offer help instead of this staff time:
 - a. Giving out a printed postcard or page having the NYS DEC EAF mapper link and instructions.
 - b. Offer a laptop at town hall to use for this purpose.
 - c. Have all maps that the Town has produced, including the natural resource maps easily available both online and in town hall so people can search through them. (NS Note – I still can't find the maps on the Town's website.)
 - d. Have link on Town Website to NYS DEC EAF mapper to get started.
 - e. Do a little tutorial video and post it on town web site to show people how to do Part I of the Form.

- f. Have FAQ and/or links easily available for each step of the planning process to explain things. Such as “how to get a building permit”, “What is needed on an abbreviated site plan”...especially for the projects that may not have an engineer involved. Several short videos might be helpful.
 - g. Colleen Lutz suggested use of the ArcGIS StoryMap feature which could include a tutorial and maps to help people get started.
- 5. **Pay More Attention to SEQR.** There is need for more comprehensive SEQR reviews for projects. To enhance SEQR and the important questions it prompts, the ZBA and Planning Board should build into their schedule and project review a reading of each SEQR question, criteria or standard as required for subdivision, SPR, SUP. This could be part of a flow chart and preliminary review by the consultant and the Board should go through the SEQR questions collectively. Without specific mention of these questions, it may be difficult to engage and discuss this. *(NS Note – this is what took place for the Iron Star workshops, and I think they were very effective. But all projects need SEQR, and the questions help engage and promote the dialogue needed. This should be looked at to improve the depth of discussion.)*
- 6. **Enhance ASPR Reviews.** The ASPR process does not require SEQR and as written, requires decisions within one meeting. This was designed so the process was not a burden to the applicant. However, there is a sense that it rushes reviews, and this can result in environmental features being missed – which is the very reason why there is an ASPR in the first place. Having a checklist for ASPR reviews will be important to overcome this. The Town could also consider removing the ‘one meeting’ requirement so that the Planning Board has time to actually complete the review. Additionally, having a consultant or staff give ASPR applications more review before it gets to the Planning Board to ensure the proper items are reviewed would be important.
- 7. **Provide For More Training.** Set aside time at each meeting for a short training/familiarity session to further understanding of the zoning and subdivision laws. Given the Town’s OWL for Zoom meetings in place, the Town could consider trainings be made available for the public to attend too so that they can be better informed of the zoning code.
- 8. **Hold Workshop Meetings.** The Planning Board should consider more workshop meetings. It doesn’t need to be every month, but at least for large projects or those that use the FEAF. Workshop meetings are where the SEQR forms can be discussed. Workshops are not where formal decisions are made however, and that should be made clear to applicants.
 - a. Some communities have a workshop meeting to informally discuss each project on that month’s agenda, and then a meeting where decisions are made. This may facilitate discussion and more time to understand the zoning requirements for that project. This may be especially important for projects that have escrow collected or when a consultant review is triggered.
 - b. This also means careful establishment of a formal determination of completeness for review so that the clock doesn’t start until the reviewing board is ready and the application is actually complete. Neither Board should be setting a public hearing as the first order of business for that project.