

## **A Citizen's Guide to the Town of DeWitt Planning Board and Zoning Board of Appeals**

Often citizens have their first contact with a Town's development review boards in public meetings where it is difficult – if not impossible – to ask simple questions. This CITIZEN'S GUIDE is intended to answer common questions about the makeup and operation of your Planning Board and Zoning Board of Appeals – development review Boards empowered by the Town Board to guide community development toward a safe, convenient and attractive community.

Each of the seven members of the two boards is appointed by the Town Board for a seven year term. These dedicated volunteers receive no compensation although they spend countless hours at regular meetings, workshops and training sessions. They bring a variety of expertise to each board adding perspective and depth to their deliberations and, in the end, helping to build a better DeWitt.

### **Planning Board**

The Town Planning Board has a long history of distinguished service dating to the mid-1950's when a planning commission was formed. Its role is to:

1. Prepare and change the Town's master plan of development;
2. Hear and decide physical development applications for all non-residential and multi-family construction through the Controlled Site Application (CSA) procedure of the Zoning Code;
3. Hear and decide subdivision requests for the splitting of a lot for sale or lease purposes through the Subdivision Regulations, and
4. Study and recommend all matters referred to it by the Town Board including all changes to the Zoning Code as well as matters referred to it by the Zoning Board of Appeals.

The Planning Board may approve a plan upon determining that the structures and uses will be oriented in their location upon the site (Sect. 192-35 of Zoning Code) as follows.

- Is the flow control and safety of traffic achieved?
- Is there reasonable compatibility in all respects with any structure or use in the neighborhood, actual or permitted?
- Is any structure or use in the neighborhood - actual or permitted - unreasonably harmed by the proposal?
- Are open spaces, yards and recreational areas appropriate to the structure and use?
- Is reasonable care taken to ensure that the character and value of the structures, uses, neighborhoods, streets and vistas of the Town protected by the entire design, quality and aesthetic appearance of the proposal?

### **Zoning Board of Appeals (ZBA)**

The ZBA is the vital link in the fair administration of the Zoning Code. Created in 1940, its role is to be a "safety valve" in providing a forum for aggrieved property owners to be heard. The ZBA is a quasi-judicial body whose methods and decision making are governed by State law

as to the rules of evidence and procedure. Its authority extends to all questions relative to the Town Zoning Code.

Its authority falls into three areas:

1. Variances or exceptions to the Zoning Code;
2. Specific permits – permitted uses requiring special review; and
3. Interpretation of the Code when the Department of Development & Operations (D&O) is unable to answer a question.

“Area variance” requests must be judged according to State Law. Five criteria are used by the ZBA as it attempts to balance the interest of an applicant with those of neighbors and the community.

An applicant for a “use variance” must prove unnecessary hardship in order for the ZBA to approve. A “use variance” is needed when an intended activity or use of the property is not permitted by the zoning district.

### **Will I receive notice of an upcoming application to the Board?**

Town Law specifies the type of notice to be given. For all issues before the ZBA and subdivision applications of the Planning Board, property owners are personally notified if their property is within 300 feet of the parcel in question. In addition, a legal notice is published in the official Town newspapers, The DeWitt Times and The Post Standard, at least five days in advance. The Town also provides notice to official representatives of neighborhood and community associations affected by the application.

### **How can I let a Board know my thoughts?**

You may communicate with the Board in many ways including speaking at regular meetings, attending special workshops, writing to the chairperson at the Town Hall or calling the D&O office.

The best way to convey your thoughts is to write a letter and attend a meeting.

### **Can I speak at a meeting?**

Yes, the chairpersons of the Boards want all interested people to be heard so that fully informed decisions can be made. Sometimes it is necessary to limit the time or subject matter so that germane, new information is presented. The chairperson will always let you know the rules for speaking.

### **What happens after a decision?**

If an application is approved by a Board the applicant typically applies for a “development permit” for the authorized improvements. It is the office’s responsibility to see that authorized improvements are completely installed together with meeting requirements of State and Town codes, rules and regulations.

### **When do the Boards meet?**

Planning Board – 2<sup>nd</sup> and 4<sup>th</sup> Thursdays (7:00 P.M.)  
Zoning Board of Appeals – 3<sup>rd</sup> Monday (7:30 P.M.)

## Planning & Zoning Checklist

Following are some of the essential questions that should be answered for all applications.

1. Who has signed the application? (owner, developer, lessee)
2. Which property(s) is included?
3. What is the current Zoning?
4. Is the intended use/ structure clearly stated?
5. Is the intended use permitted?
6. Are the construction plans consistent with the intended use?
7. Are there other regulatory issues involved? (floodplain, wetlands, site contamination, etc.)
8. Are design professionals involved?  
Who does he represent?
  - a. Is the stamp and signature of the designer on the plans?
  - b. Are plans appropriately dated and/ or revised?
9. Is the survey current, detailed, unconditional and stamped?
10. Are the plans adequate for review?
  - a. Appropriate scale?
  - b. Appropriate references?
  - c. Property lines, easements and other regulatory and legal conditions?
  - d. Are improvements shown such as utilities, structures, parking, access, walks, lighting, landscapes, signage, grading, drainage, waste storage, architecture?
11. What information is missing?

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