

Defining Site Plan Amendment Types

Matters Properly Considered as Major Amendments Requiring Approval by the Planning Board after Public Testimony

Fundamental determinations of the Board that relate to findings, conclusions or conditions associated with a site plan can only be changed by filing a major amendment that will be accompanied by full staff review, a staff report, and an affirmative vote by the Board. The following amendments will always be deemed fundamental. This list is not an exclusive list, and changes of a lesser amount may also be considered fundamental.

- 1) An increase in height of more than 5%
- 2) An increase in gross floor area of more than 5%
- 3) A change in set-backs or build-to-lines of more than 5%
- 4) A decrease in green space of more than 5%
- 5) A redesign of recreation areas or recreational equipment that provides a lower capacity or inferior equipment
- 6) A redesign of parking or loading areas that brings them closer to the property line
- 7) A redesign of the landscape plan, including fences, berms and lighting, that deviates significantly from the concept of the original plan, or includes landscape and hardscape material of lesser quality
- 8) Modifications of grading, utilities, or storm water management that have a significant visual impact on public areas or neighboring property
- 9) Any change to the public or private roadway or pedestrian system that has an impact on capacity, safety, access or on-street parking
- 10) Any change that would require an amendment to the binding elements approved at zoning, project plan or preliminary plan

Consent Agenda Amendments

Amendments that involve changes that are lesser in nature than those outlined above **may**, at the sole discretion of staff, be handled as consent items on the Planning Board's agenda. A full staff report would not be required; rather a memo would be prepared, outlining each request and accompanied by any necessary drawings.

Procedures for Consent Agenda Amendments

Complete an application form.
Submit letter explaining the proposed change
Submit three sets of plans
Pay an application fee (\$450-\$2,350 depending on the number of changes)

The Applicant should update their adjacent and adjoining property owners' list and must send notice by mail to these entities and all other parties of record. Any contract purchasers within the site plan being amended or on a block adjacent to or abutting the area proposed for change must also be given notice.

The notice shall be specific on all changes being sought from the Planning Board approval and should include a copy of the site plan drawings as amended.

The notice shall include the Plan number, as assigned by Park and Planning, to make it easier for the noticed parties to obtain information or provide comments. Noticed parties shall give a date (15 days after the mailing date of the notice) by which comments must be submitted to Park and Planning.

Evidence of the notice and the parties who received it must be given to Park and Planning.

If comments are received, staff and the Director will determine whether such comments are substantive enough to require that the amendment be handled as a major amendment.

If no comments are received, a memo will be written detailing the items being changed and making a finding that the change(s) will not alter the intent of the Board's prior approvals. The item will then be placed on the Planning Board's Consent Agenda for a vote. Any member of the Planning Board may pull an item off the consent agenda. If this is done, the item will be rescheduled for a future date, so that proper notice of a hearing can be sent to all affected parties and additional staff work can be undertaken, if necessary.

A new signature set reflecting the amendment, must be submitted before final approval is granted.