

Somewhat Plain English Site Plan/Special Permit Review Process

1. Preliminary Discussions with Applicant

The applicant MAY attend informal sketch plan conferences with the board. It is important to record that the time clock has not started on the formal review, either by notes in the minutes, or a signed statement by the applicant. Some boards will not retain any materials offered by the applicant until the applicant has submitted a complete submission package including everything required by the zoning law, to make it abundantly clear to the applicant that a formal review has not commenced.

2. Determination of Type of SEQR Action

The board must make a determination of what type of action the application is. MOST site plans are “unlisted” actions, require only a short EAF with the application, and the board makes its own independent SEQR determination without the necessity of a lead agency or coordinated review. However, the board should consult the SEQR “type 1” list to make sure the action is not on this list. When a site plan is found to be on the “type 1” list, professional assistance with the SEQR process should be sought. A “type 1” action shall require a long EAF with the application, the designation of a lead agency, and a coordinated review.

3. Preliminary Acceptance of Application

The board should formally make a determination that the application package is complete EXCEPT FOR SEQR, and that anything not included is waived by the board. Consulting a technical checklist of submission requirements is helpful. (*Note: the time clock does not start until SEQR is completed.*)

4. Agricultural Data Statement

Where the location of the site makes it necessary, the agricultural data statement must be sent to affected property owners.

5. Completion of SEQR

Complete EAF – The board must review part 1 of the EAF which has been completed by the applicant, and then complete part 2 and part 3.

Determine significance of action – The board must make a determination of significance by motion or resolution. In almost all cases this will be a “negative declaration.” If a “positive declaration” is made, the board should immediately consult professional assistance with the next steps in the SEQR process.

Filings – In the case of a negative declaration, the EAF and negative declaration document should be entered into the record of the board. In the rare case that the action is “type 1,” then the positive or negative declaration must be sent to the ENB for publication.

6. Acceptance of Complete Application

The board should make a formal motion to accept the application as complete upon making a negative declaration or accepting a draft environmental impact statement. (*Note: the time clock will start when*

the board accepts a completed application, including either a negative declaration, or a draft environmental impact statement.)

7. Referral to ZBA

Where the site plan requires an area variance from the ZBA, the planning board, with the agreement of the applicant, may stop the clock and allow the applicant to apply for relief from the ZBA. The minutes should contain the agreement to stop the clock, and a clear statement of what specific circumstance will trigger its resumption.

8. Notice of Hearing

The board must establish a hearing date by motion of the board. A notice of the hearing must be published in a newspaper in general circulation at least five days before the hearing. Where the location of the site requires, notice by mail or electronic transmission must be made to the clerk of adjacent municipalities at least ten days before the hearing. Notice must be mailed to the applicant ten days before the hearing.

9. County Referral

Where the location of the site makes it necessary, notice of the hearing and a full statement of the action must be referred to the county planning board at least ten days before a hearing is held. Only part 1 of the EAF is necessary to refer.

10. Hearing

The hearing must be held within 62 days of the acceptance of a completed application. The board must act by motion to close the hearing.

11. Action on Proposal

Within 62 days of the closing of the hearing, the board must act to approve, approve with modifications, or disapprove the site plan. A resolution addressing county referral comments should accompany final action of the board.

12. Notifications and Filings

Applicant – A copy of decision resolution must be mailed to applicant.

Municipal clerk – The resolution of decision must be filed within 5 business days with the municipal clerk.

County planning board – Final action of any matter referred must be reported within 30 days to the county planning board, including any reasons for contrary action.